Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2008-1561-AIR-E TCEQ ID: RN100238708 CASE NO.: 36583 RESPONDENT NAME: INEOS USA LLC

ORDER TYPE:				
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING		
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER		
AMENDED ORDER	EMERGENCY ORDER			
CASE TYPE:				
<u>_X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE		
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION		
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL		
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION		
SITE WHERE VIOLATION(S) OCCURRED: Chocolate Bayou Plant, Farm-to-Market Road 2004, Alvin, Brazoria County TYPE OF OPERATION: Petrochemical plant				

SMALL BUSINESS: ____Yes __X_No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1279-AIR-E and 2008-1816-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The Texas Register comment period expired on January 26, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-1460; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Randall Browning, HSE Manager, INEOS USA LLC, 2600 South Shore Boulevard, Suite 250, League City, Texas 77573-3091

Mr. John Harvey III, Site Director, INEOS USA LLC, 2600 South Shore Boulevard, Suite 250, League City, Texas 77573-3091 Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT NAME: INEOS USA LLC DOCKET NO.: 2008-1561-AIR-E

VIOLATION SUMMARY CHART: **CORRECTIVE ACTIONS** VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$9,250 **Corrective Actions Taken:** Complaint X Routine Total Deferred: \$1,850 The Executive Director recognizes that the Respondent developed a plan to lower the ____ Enforcement Follow-up X Expedited Settlement temperature of the Storm/Process _ Records Review Wastewater Tank and skim off the organic ___Financial Inability to Pay layer floating on top of the water. Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 **Ordering Provisions:** Date of Investigation Relating to this Total Paid to General Revenue: \$7,400 The Order will require the Respondent to: Case: July 25, 2008 Site Compliance History Classification a. Develop and implement measures to Date of NOV/NOE Relating to this Case: High X Average Poor regularly inspect the Storm/Process August 18, 2008 (NOE) Wastewater Tank and make any needed Person Compliance History Classification repairs or modifications to prevent the Background Facts: This was a routine <u>High X Average</u> Poor reoccurance of similar events as the April investigation. 14, 2008 event; and Major Source: X Yes No AIR b. Within 45 days after the effective date Applicable Penalty Policy: September 2002 of this Agreed Order, submit written Failure to prevent unauthorized emissions. certification and include detailed Specifically, during an emissions event on supporting documentation including April 14, 2008 in the Storm/Process photographs, receipts, and/or other records Wastewater Tank, emissions point number ("EPN") AF-4601B emitted 2,787.2 to demonstrate compliance with Ordering Provision a. pounds ("lbs") of volatile organic compounds ("VOC"). The event lasted 950 hours and 45 minutes. This emissions event was avoidable, since the Respondent could have performed better operation and maintenance practices, thereby, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. Admin. Code § 116.715(a), Tex. Health & SAFETY CODE § 382.085(b), and Flexible Air Permit 95, Special Condition 1].

Additional ID No(s).: BL0002S

	Penalty Calculation Worksheet (PCW)	
Policy Revision 2 (Se		W Revision June 12, 2008
ICEQ		
DATES Assigned PCW	25-Aug-2008 3-Sep-2008 Screening 27-Aug-2008 EPA Due	
RESPONDENT/FACILITY		
Reg. Ent. Ref. No Facility/Site Region		
CASE INFORMATION		
Enf./Case ID No.	No. of Violations 1	
Docket No.	2008-1561-AIR-E Order Type 1660	
Media Program(s)		
Multi-Media		r
mater mould	EC's Team Enforcement Te	
Admin. Penalty \$		······································
	Panalty Calculation Section	
	Penalty Calculation Section	¢2 500
IOTAL BASE PENA	LTY (Sum of violation base penalties) Subtotal 1	\$2,500
ADJUSTMENTS (+/-)) TO SUBTOTAL 1 ined by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance Hist	na na kalendar se	\$6,750
	Experiment is due to eight NOV/e with similar violations, twolve NOV/s	
	Enhancement is due to eight NOVs with similar violations, twelve NOVs	
Notes	with dissimilar violations, eight agreed orders with denial of liability, two agreed orders without denial and four notices of intended audits.	
· · · · · · · · · · · · · · · · · · ·		
Culpability	No 0.0% Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effor	rt to Comply Total Adjustments	\$0
	fit 0.0% Enhancement Subtotal 6 □	\$0
Economic Benel	6 0.0% Enhancement* Subtotal 6 Total EB Amounts \$168 *Capped at the Total EB \$ Amount	
Approx.	Cost of Compliance \$2,000	• • •
SUM OF SUBTOTAL	S 1-7	\$9,250
	S JUSTICE MAY REQUIRE 0.0% Adjustment	\$0
Reduces of enhances the thinais		
Notes		·
	Final Penalty Amount	\$9,250
STATUTORY LIMIT	ADJUSTMENT	\$9,250
DEFENDAL		-\$1,850
DEFERRAL Reduces the Final Assessed Pe	20.0% Reduction Adjustment nalty by the indicted percentage. (Enter number only, e.g. 20 for 20% reduction.)	-91,000
Notes	Deferral offered for expedited settlement.	
		-
PAYABLE PENALTY		\$7,400

Scr	ening Date 27-Aug-2008 Docket No. 2008-1561-AIR-E		PC
F	lespondent INEOS USA LLC	Policy R	evision 2 (September 2
	Case ID No. 36583	P	CW Revision June 12,
-	erence No. RN100238708	• •	
	ia [Statute] Air		
Enf. (coordinator Jeremy Escobar		
	Compliance History Worksheet		
	ory Site Enhancement (Subtotal 2)		Adjust.
Compone	Number of Written NOVs with same or similar violations as those in the current enforcement action	Enter Number Here	Aujust.
NOVs	(number of NOVs meeting criteria)	8	40%
	Other written NOVs	12	24%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		50%
Judgmer	loncond /		0%
and Cons Decree	Any adjudicated final court judgments and default judgments, or non-adjudicated final court		0%
Convictio		0	0%
Emissio		0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		-4%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<u></u>	Plea	se Enter Yes or No	:
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

No

>> Compliance History Summary

Compliance History Notes

Enhancement is due to eight NOVs with similar violations, twelve NOVs with dissimilar violations, eight agreed orders with denial of liability, two agreed orders without denial and four notices of intended audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 270%

Respondent NEOS LSL LC Programme 2000 Case ID No. 30658 PC// Review 1, dipationed: 2000 Media (Statute) /r Enf. Coordinator / greeny Escober Violation Number Internet in the special Conditions Rule Citetol Internet in the special Conditions Patient Special Conditions Patient Special Conditions Patient Special Conditions Patient Special Conditions Patient Special Conditions Statute Patient Special Conditions Statute Patient Conditions Statute Patient Conditions Statute Patient Conditions Statute Patient Special Conditions Statute Patient Special Conditions Statute Propriations Mediation Patient Special Condit	Screening Date	27-Aug-2008	Docket No. 2008-1561-AIR-E	PCW
Reg. Ent. Reference No. RV10023076 Media [Statung] Ar Ent. Coordinator Jeremy Ecocer Violation Numerical Rule Citters Status Numerical Privation Privation Privation Privation Privation Privation Privation Privation Privation	•		·	
Media [Statute] Ar: Ent. Coordinator: every teocher Violation Number Rule Cite(e) 20 Tex. Admin. Coce § 116.715(a), Tex. Health & Safety, Code § 382.625(b), and Pexube Ar Perms 85, Speal Conditor; 1 Failed to prevent muschmarker fails as National School (International answere) failed to prevent muschmarker failed to prevent muschmarker failed to Percent and Point (International answere) failed to prevent muschmarker failed to Percent (International answere) failed to prevent muschmarker failed to Percent (International and the primery and experiments) for the second of the EPN Ar-4601 Swheth and 40 minutes. This emissions event was avoidable, since the Segmetar to mesh and approximate and the primery	14 Contraction of the second se			PCW Revision June 12, 2008
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Rule Citedy 30 Tex. Adm. Code § 118.716(a), Tex. Heath & Safety Code § 382.085(b), and Plexible A. Permit 68, Speakel Condition 1 April 44, 2001 in the Stamphrozee Watewater Tark at IECS Chockies Bayo Part, Core and Statistics Bayo Part, Code § 372.200 EPN 4010 Bailed Bayo Part, Bartistano Part, Code § 372.200 EPN 4010 Bailed Bayo Part, Code § 370.200 Fen 4010 Fen 40				
Air Permit 8:5, Speakel Condition 1 Pailed by project insulticized areasons: Specification,				
Image: April 14, 2008 in the StomProcess Wastewater Tank at NEOS Chockets Bayou Plant. Emissions Point Number (PRV) 74-46018 winted 2727 2 points (Psv) or visition organic compounds (*VOC) when hot process water entered into ENAF-46018 winted be obligated and dominates. This emissions event was scrobable, since the skent also Bohuars and dominates. This emissions event was scrobable, since the skent also Bohuars and dominates. This emissions event was scrobable, since the skent and dominates. This emissions event was scrobable, since the skent and dominates. This emissions event was scrobable, since the skent and dominates. This emissions event was scrobable, since the skent and dominates. This emissions event was scrobable and dominates. This emission event was scrobable and dominates. This emission event was scrobable and dominates. The environmental event and dominates. This emission dominates are screent and dominates. This emission event was scrobable and dominates. The environment was scrobable and dominates. This emission and dominates are screent and dominates are screent and dominates. This emission	Rule Cite(s)		Air Permit 95, Special Condition 1	
	Violation Description	April 14, 2008 in th Emissions Point organic compound severely damaged 45 minutes. Thi performed better co	he Storm/Process Wastewater Tank at INEOS Chocolate Bayou Number ("EPN") AF-4601B emitted 2,787.2 pounds ("Ibs") of vo ds ("VOC") when hot process water entered into EPN AF-4601B I the primary and secondary roof seals. The event lasted 950 ho is emissions event was avoidable, since the Respondent could h operation and maintenance practices, thereby, the demonstration	u Plant, blatile which urs and have hs in 30
Harm Harm OR Actual X Actual X Percent 25%) >>Programmatic Matrix Percent 0% Matrix Percent 0% Matrix Percent 0% Matrix Percent 0% Matrix Putnan health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation. Matrix Putnan health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation. Matrix Putnan health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels Matrix Putnan health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels Matrix Matrix \$77.500 Violation Events 1 40 Number of Violation Events 1 40 Mumber of Violation Events 1 40 Mumber of violation Events 0 \$2,500 One quarterity event is recommended. \$0 Social Faith Efforts to Comply <			Basel	Penalty\$10,000
OR Actual Major Moderate Minor Potential	>> Environmental, Property an			
OR Actual x Percent 25% >>Programmatic Matrix Felicitation Major Moderate Minor Percent 0% Major Moderate Minor Percent 0% Major Moderate Minor Percent 0% Major Moderate Minor Matrix Human health or the environment was exposed to insignificant amounts of pollulants which did not exceed levels of human health or environmental receptors as a result of the violation. \$2500 Violation Events 1 40 Number of violation days Image: environmental environmental ecoptors \$2,500 \$2,500 Violation Events 1 40 Number of violation days Image: event 1 40 Number of violation days Image: event 1 40 Number of violation days Image: event 0 0.05% S2,500 One quarterly event is recommended. \$0 \$2,500 Coder Faith Efforts to Comply 0.05% Seduction \$0 Secondory Notes The Respondent does not meet the good faith criteris for this violation \$2,500	Release	-		
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Before NOV NOV to EDPRP/Settlement Offer Extraordinary				
Extraordinary	Good Faith Efforts to Comply			\$0
N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$168				
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		e Soud State Thillowing Carls and an	This violation Final Assessed Penalty (adjusted for	limits) \$9,250

	E	conomic I	Benefit W	orks	neet		
Respondent	INEOS USA LL	.C					
Case ID No.	36583				·		
Reg. Ent. Reference No.							· · · · ·
Media							Years of
Violation No.						Percent Interest	Depreciatio
violation no.	1					h 200	,
			· · · · · · · · · · · · · · · · · · ·		and the second second	5.0	*****
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amour
Item Description	No commas or \$					e graatte in Neordin op	· · · ·
Delayed Costs	and the second						
Equipment				0.00	\$0	\$0	\$0
Buildings	\$2,000	14-Apr-2008	25-Jun-2009	1.20	\$8	\$160	\$168
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed) Notes for DELAYED costs				0.00	\$0 tter operation and	n/a n/a /or management pra ed on the date the e	\$0 ictices design
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Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	to ensure pro	per maintenance pr bega	ocedures are follo n and final date is	0.00 ement be owed. Data the expension 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 tter operation and tte required is bas ected date of com item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	/or management pra ed on the date the e pliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ictices desigr missions eve :osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Reputed Extly: PR/0203973 CHOCCLATE BAYOU PLANT Classification, XV2RAGE Tits Rentry, 2.35 ID Number(s): AIR O PERATING SERVITS ACCOUNT NUMBER 84,0023 AIR O PERATING SERVITS PERMIT 233 AIR O PERATING SERVITS PERMIT W2000133000 WASTEWATER PERMIT W2000133000 WASTEWATER PERMIT TO000421 WASTEWATER PERMIT T0000421 WASTEWATER PERMIT 000102 WASTEWATER PERMIT 60001007 WASTEWATER PERMIT 60001007 WASTEWATER PERMIT 60001007 AIR NEW SOURCE PERMITS PERMIT 69 AIR NEW SOURCE PERMITS PERMIT 69 AIR NEW SOURCE PERMITS PERMIT 101 AIR NEW SOURCE PERMITS PERMIT 69 AIR NEW SOURCE PERMITS PERMIT 101 AIR NEW SOURCE PERMITS PERMIT 101 AIR NEW SOURCE PERMITS PERMIT 1050 AIR NEW SOURCE PERMITS PERMIT	Customer/Respondent/Owner-Operator:	CN602817884	INEOS USA LLC	Classification: AVERAGE	Rating: 1.82
AIR OPERATING PERMITS PERMIT 1353 AIR OPERATING PERMITS PERMIT WO0001530300 WASTEWATER PERMIT TO000421 WASTEWATER PERMIT S0340007 WARTEWATER PERMIT S0340001 AIR NEW SOURCE PERMITS PERMIT S0340001 AIR NEW SOURCE PERMITS PERMIT <th>Regulated Entity:</th> <th>RN100238708</th> <th>CHOCOLATE BAYOU PLA</th> <th>NT Classification: AVERAGE</th> <th>Site Rating: 2.35</th>	Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLA	NT Classification: AVERAGE	Site Rating: 2.35
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	STORAGE		00040
·	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30042
	INDUSTRIAL AND HAZARDOUS WAST COMPLIANCE PLANS	E PERMIT	50121
	INDUSTRIAL AND HAZARDOUS WAST POST CLOSURE	E PERMIT	50121
Location:	FM 2004, ALVIN, TX, 77512	Rating Date: Septem	ber 01 07 Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 26, 2008		
Agency Decision Requiring Compliance H	listory: Enforcement		·
Compliance Period:	August 26, 2003 to August 26, 2008		
TCEQ Staff Member to Contact for Addition	onal Information Regarding this Compliance History		
Name: Jeremy Escobar	Phone: (512) 239-1	460	
	Site Compliance History C	Components	
d the site been in evictoria and/or a		-	
	peration for the full five year compliance period?	Yes	
2. Has there been a (known) change in ov	wnership of the site during the compliance period?	Tes .	
3. If Yes, who is the current owner?		INEOS USA LLC	
4. if Yes, who was/were the prior owner(s	5)?	BP Amoco Chemical Company	
5. When did the change(s) in ownership	occur?	04/25/2005	
Components (Multimedia) for the	Site :		
	rt judgements, and consent decrees of the state of ⊺	Fexas and the federal government.	
Effective Date: 08/28			
Classification: M	linor		
Ollation.	TWC Chapter 26, SubChapter A 26.346(a)		
	TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii) lure to ensure the timely renewal of a previously issued	ied UST delivery certificate.	
Classification: M	-		
Olduon.	TWC Chapter 26, SubChapter A 26.3467(a)		
	TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i) lure to make available to a common carrier a valid a	nd current TCEO delivery certificate before	•
accepting the de	livery of a regulated substance into the UST system		
Effective Date: 08/30		2003-1280-AIR-E	
Classification: M Citation: ³⁰	TAC Chapter 116, SubChapter G 116.715(a)		
Oldion	THC Chapter 382, SubChapter A 382.085(b)		
	: 1 PERMIT ceeded the volatile organic carbon maximum allowat	No omission rato for Elara DM-1101 on Marc	h
17, 2003. (Note	mistake in order should be "compound" not "carbon"		
Effective Date: 08/28	ADMINORDER 2	2006-0242-AIR-E	
Classification: M			
Challon.	TAC Chapter 101, SubChapter A 101.20(3) TAC Chapter 116, SubChapter G 116.715(a)		
	THC Chapter 382, SubChapter A 382.085(b)		
	Permit #92/PSD-TX-854, S.C.#1 PA		
	led to prevent unauthorized emissions during a April	14, 2005 emissions event.	
Classification: M	/oderate TAC Chapter 101, SubChapter A 101.20(3)		
Ollation.	TAC Chapter 116, SubChapter G 116.715(a)		
	THC Chapter 382, SubChapter A 382.085(b)		
	Permit #95/PSD-TX-854, S.C.#1 PA		
	led to prevent unauthorized emissions during a May	29, 2005 emissions event.	
Classification: M	/oderate TAC Chapter 101, SubChapter A 101.20(3)		
Ollauon.	TAC Chapter 116, SubChapter G 116.715(a)		
5C	THC Chapter 382, SubChapter A 382.085(b)		

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Rgmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA

Description: Failed to prevent unauthorized emissions during a July 5, 2005 emissions event.

ADMINORDER 2006-0469-AIR-E

Classification: Major

Effective Date: 11/03/2006

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

Rgmt Prov: No. 95/PSD-TX-854, Special Condition #1 PERMIT

Description: Failure to prevent loss of instrument air resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rgmt Prov: Permit No. 95/PSD-TX-854 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on November 19, 2005 [emission point No. ("EPN") DM-1101] on November 19, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Ramt Prov. Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on December 11, 2005 [EPN DM-1101] on December 11, 2005.

Effective Date: 04/26/2007

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Ramt Prov: No. 95, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/31/2007 ADMINORDER 2007-0175-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

Rgmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

ADMINORDER 2004-0891-AIR-E

ADMINORDER 2006-1893-AIR-E

Classification: Major

Effective Date: 11/19/2007

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: Flexible Air Permit #95, SC #1 PERMIT

Description: BP Amoco failed to prevent the unauthorized excessive emissions from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit 95 and PSD-TX-854 PA

Description: BP Amoco failed to prevent the unauthorized emissions when a drain valve on Flare Knock-Out Drum AD-1501 was left open for one hour on May 3, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116,715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: TCEQ FLEXIBLE AIR PERMIT #95, SC#1 PERMIT

Description: BP Amoco failed to prevent the unauthorized emissions when BP Amoco failed to prevent a high concentration of carbon monoxide in cracked gas which caused a malfunction in the acetylene reactor, which in turn, resulted in the production of ethylene which was routed to the Olefins 1 Flare for approximately 12 hours and 30 minutes on July 19, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit No. 95, SC1 PERMIT

Description: BP Amoco failed to prevent the unauthorized emissions from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately eleven (11) hours on June 16, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) Rgmt Prov: 19868, SC No. 1 PA

Description: BP Amoco failed to prevent the unauthorized emissions due to a seal failure on Quench Pump MG-251 for approximately one hour and forty-five minutes on July 9, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: TCEQ Flex Air Permit No. 95, SC1 PERMIT

Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline; thereby shutting down two compressors and decreasing flow through the ethylene section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 95, SC #1 PA

Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Flare when BP failed to control the carbon monoxide concentration and temperature in the acetylene reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004.

Effective Date: 01/28/2008

ADMINORDER 2007-0370-AIR-E

ADMINORDER 2007-1325-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116,715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: No. 95/PSD-TX-854, SC#1 PERMIT

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions during Incident 63040 and 63041.

Classification: Major

Citation:	30 TAC Chapter 101, SubChapter A 101.20(3)
	30 TAC Chapter 116, SubChapter G 116.715(a)
	5C THC Chapter 382, SubChapter A 382.085(b)
Rgmt Prov:	No. 95 PERMIT
Description:	Failed to control unauthorized emissions during Incident No. 63863 and No. 63864.
Classification	n. Moderate

- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)
- Rgmt Prov: TCEQ Flex Air Permit #95/PSD-TX-854, SC1 OP

Description: INEOS failure to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent loss of feed resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to operator error.

Classification: Moderate

- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)
- Rgmt Prov: TCEQ Permit No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 04/03/2008

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the fourth quarter of 2006.

Classification: Moderate 30 TAC Chapter 290, SubChapter F 290,113(f)(4) Citation: 5A THC Chapter 341, SubChapter A 341.0315(c) Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007. Effective Date: 07/21/2008 ADMINORDER 2008-0266-AIR-E Classification: Moderate 30 TAC Chapter 101, SubChapter A 101.20(3) Citation: 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) Rgmt Prov: No. 95, Special Condition 1 PERMIT Description: Failed to prevent the interruption of dimethylsulfide supply to dilution steam. Β. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) (152166)1 08/28/2003 N/A 2 09/15/2003 (295181)3 09/17/2003 (248915)4 09/17/2003 (248837)5 09/22/2003 (150004)6 10/17/2003 (248985) 7 10/20/2003 (295183)8 11/14/2003 (295186)9 11/14/2003 (252631)10 11/18/2003 (255236)11 11/20/2003 (255571)12 11/21/2003 (295184)13 12/15/2003 (295185)14 01/12/2004 (253433)15 01/28/2004 (257699)16 02/13/2004 (295169)17 04/22/2004 (295172)18 05/12/2004 (295174)19 05/21/2004 (60492) 20 06/15/2004 (272258)21 06/17/2004 (295176)22 06/28/2004 (272032)23 07/05/2004 (278334)24 07/05/2004 (272798)25 07/05/2004 (278078)26 07/05/2004 (272521)27 07/09/2004 (272455)28 07/13/2004 (274532)29 07/15/2004 (351989)30 07/19/2004 (274762)31 08/05/2004 (287465) 32 08/16/2004 (351990)33 08/18/2004 (284687) 34 08/30/2004 (250202)35 08/31/2004 (277083)36 08/31/2004 (272440)37 09/13/2004 (293314)38 09/23/2004 (351991)39 10/04/2004 (336250)40 10/22/2004 (351992)41 11/08/2004 (336528)42 11/08/2004 (337000)43 11/23/2004 (351993)44 12/11/2004 (335356)

45 12/11/2004

(341906)

46	12/11/2004	(335371)
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47	12/13/2004	(338522)
48	12/13/2004	(336245)
49	12/13/2004	(333505)
50	12/13/2004	(337068)
51	12/15/2004	(337091)
		. ,
52	12/16/2004	(341903)
53	12/17/2004	(337094)
54	12/20/2004	(342723)
55	12/22/2004	(381804)
56	12/28/2004	(288451)
57	12/28/2004	(287065)
58	12/28/2004	(277182)
59	01/05/2005	(287246)
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60	01/06/2005	(337406)
61	01/07/2005	(341099)
62	01/07/2005	(343281)
63	01/07/2005	(288575)
	01/07/2005	. ,
64		(287050)
65	01/10/2005	(286887)
66	01/17/2005	(286916)
67	01/20/2005	(381805)
68	02/04/2005	(338314)
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69	02/22/2005	(381802)
70	03/21/2005	(381803)
71	04/22/2005	(419633)
72	04/26/2005	(372080)
		. ,
73	05/18/2005	(374942)
74	05/19/2005	(419634)
75	05/20/2005	(392949)
76	06/20/2005	(419635)
		. ,
77	07/13/2005	(440766)
78	07/15/2005	(399321)
79	08/10/2005	(404141)
80	08/13/2005	(404828)
81	08/18/2005	(404361)
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82	08/19/2005	(440767)
83	08/24/2005	(404609)
84	08/24/2005	(406770)
85	08/29/2005	(407005)
86	08/30/2005	(418277)
		· ·
87	09/08/2005	(337658)
88	09/08/2005	(375408)
89	09/08/2005	(372077)
90	09/16/2005	(440768)
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91	09/21/2005	(431548)
92	10/10/2005	(432962)
93	10/13/2005	(440769)
94	10/13/2005	(440770)
95	11/03/2005	(431679)
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96	11/18/2005	(468323)
97	12/05/2005	(397651)
98	12/20/2005	(468322)
99	12/20/2005	(468324)
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100	01/12/2006	(451532)
101	01/12/2006	(451560)
102	01/26/2006	(437342)
103	01/26/2006	(438227)
104	01/26/2006	(437271)
105	01/27/2006	(451469)
106	02/15/2006	(468321)
107	02/16/2006	(436530)
108	02/24/2006	(450737)
109	02/24/2006	(450766)
110	02/24/2006	(438700)
111	02/24/2006	(450771)
112	02/24/2006	(454384)
113	02/27/2006	(449481)
		(1.0.101)

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114	02/27/2006	(450755)
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115	02/27/2006	(440360)
116	02/28/2006	(437776)
117	02/28/2006	(333721)
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118	02/28/2006	(435662)
119	02/28/2006	(450758)
120	03/17/2006	(498116)
121	03/20/2006	(454984)
122	03/20/2006	(438702)
123	03/20/2006	(454973)
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124	04/19/2006	(449649)
125	04/21/2006	(498117)
126	04/24/2006	(460197)
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127	04/24/2006	(460166)
128	04/24/2006	(459777)
129	04/28/2006	(453217)
130	05/04/2006	(462911)
131	05/09/2006	(453215)
132	05/10/2006	(451219)
133	05/15/2006	(454640)
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134	05/16/2006	(498118)
135	05/17/2006	(462063)
136	05/19/2006	(453213)
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137	06/19/2006	(498119)
138	06/30/2006	(482249)
139	07/06/2006	(485562)
140	07/07/2006	(483977)
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141	07/07/2006	(484327)
142	07/07/2006	(483768)
143	07/17/2006	(498120)
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144	07/21/2006	(484894)
145	07/21/2006	(485159)
146	07/27/2006	(465816)
147	08/09/2006	(375409)
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148	08/16/2006	(520130)
149	09/01/2006	(489158)
150	09/01/2006	(488482)
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151	09/01/2006	(488416)
152	09/01/2006	(488185)
153	09/01/2006	(488461)
154	09/01/2006	(488316)
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. 155	09/01/2006	(488258)
156	09/01/2006	(497259)
157	09/01/2006	(488259)
158	10/10/2006	(514525)
159	10/10/2006	(511470)
160	10/12/2006	(520131)
161	10/17/2006	(515418)
162	11/08/2006	(544398)
163	11/17/2006	(544397)
164	11/27/2006	(455008)
165	12/06/2006	(518260)
166	12/12/2006	(544399)
167	12/19/2006	(532142)
168	01/12/2007	(544400)
169	01/16/2007	(534803)
170	01/17/2007	(567358)
171	02/07/2007	(544396)
172	02/22/2007	(437530)
173	02/23/2007	(437902)
174	02/26/2007	(489773)
175	02/26/2007	(541487)
176	02/28/2007	(541747)
177	03/12/2007	(575151)
178	03/13/2007	(455785)
179	03/22/2007	(541397)
180	03/23/2007	(460443)
181	04/03/2007	(461307)
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182	04/09/2007	(541411)
183	04/11/2007	(461770)
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184	04/13/2007	(532653)
185	04/16/2007	(575152)
186	05/03/2007	(554914)
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187	05/10/2007	(555702)
188	05/18/2007	(575153)
189	05/18/2007	(652283)
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190	05/18/2007	(568214)
191	05/21/2007	(511619)
192	05/25/2007	(560317)
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193	06/06/2007	(562013)
194	06/11/2007	(575154)
195	06/25/2007	(564693)
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196	07/11/2007	(454997)
197	07/12/2007	(575155)
198	07/19/2007	(567658)
199	07/23/2007	(567132)
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200	07/23/2007	(566724)
201	07/30/2007	(568409)
202	08/07/2007	(575156)
203	08/10/2007	(562140)
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204	08/10/2007	(652667)
205	08/10/2007	(563070)
206	08/31/2007	(565801)
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207	09/18/2007	(607523)
208	09/18/2007	(607524)
209	09/19/2007	(574167)
210	09/19/2007	•
		(570290)
211	09/28/2007	(565477)
212	10/04/2007	(565852)
213	10/04/2007	(565854)
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214	10/10/2007	(566839)
215	10/10/2007	(566452)
216	10/10/2007	(565967)
217	10/10/2007	(566915)
218	10/10/2007	(565963)
219	10/11/2007	(566941)
220	10/11/2007	(566955)
221	10/18/2007	• •
		(569974)
222	10/19/2007	(566879)
223	10/19/2007	(566487)
224	11/06/2007	(600100)
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225	11/08/2007	(619477)
226	11/09/2007	(594738)
227	11/09/2007	(594251)
	11/09/2007	· /
228		(594021)
229	11/09/2007	(594360)
230	11/13/2007	(574346)
231	11/15/2007	(653032)
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232	11/16/2007	(594681)
233	11/16/2007	(594670)
234	11/16/2007	(594676)
-+ -	11/19/2007	(594880)
235		• •
236	11/26/2007	(570225)
237	11/26/2007	(569987)
238	11/27/2007	(570543)
		• •
239	12/04/2007	(566947)
240	12/05/2007	(619478)
241	12/20/2007	(599302)
242	01/02/2008	(599812)
		· · ·
243	01/03/2008	(611841)
244	01/08/2008	(600585)
245	01/10/2008	(609407)
246	01/18/2008	(611544)
		• •
247	01/25/2008	(609712)
248		
	02/08/2008	(610485)
249	02/08/2008 02/08/2008	(610485) (609996)

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250	02/08/2008	(610061)
251	02/08/2008	(612681)
252	02/08/2008	(611999)
253	02/08/2008	(652098)
254	02/08/2008	(610221)
255	02/08/2008	(609244)
256	02/08/2008	(600663)
257	02/08/2008	(611533)
258	02/08/2008	(612004)
259	02/13/2008	(671984)
260	02/15/2008	(618820)
261	02/20/2008	(570269)
262	03/06/2008	(671985)
263	03/06/2008	(636901)
264	03/10/2008	(597253)
265	03/13/2008	(614947)
266	03/18/2008	(615557)
267	03/18/2008	(615556)
268	03/18/2008	(615544)
269	03/18/2008	(615545)
270	03/26/2008	(671987)
271	03/31/2008	(616611)
272	03/31/2008	(616733)
273	04/04/2008	(618108)
274	04/07/2008	(671986)
275	04/21/2008	(639800)
276	05/07/2008	(654421)
277	05/09/2008	(637781)
278	05/12/2008	(689902)
279	05/16/2008	(639984)
280	05/16/2008	(639937)
281	05/16/2008	(640018)
282	05/23/2008	(640200)
283	06/10/2008	(689903)
284	06/26/2008	(683110)
285	06/27/2008	(684063)
286	06/30/2008	(671377)
287	06/30/2008	(671397)
288	07/07/2008	(641625)
289 290	07/15/2008	(681456)
	07/28/2008	(687478)
291 292	08/14/2008 08/19/2008	(686668)
292 293	08/19/2008	(687694)
293	00/22/2008	(687895)

Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 09/22/2003	(150004)		
Self Report? NC)	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.222(b)(3)		
Description:	Failed to maintain flame at all times on flare GM-1401.		
Date: 08/30/2004	(250202)		
Self Report? NC)	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PA 35735		
Description:	Failure to comply with Special Condition No. 11A of TO	CEQ Permit No. 3	5735.
Date: 12/28/2004	(288451)		
Self Report? NC		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(a)	l.	
Rqmt Prov:	PA 5419, SC 1		
Description:	Failure to meet demonstration criteria.		
Date: 01/05/2005	(287246)		
Self Report? NC)	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA 95, Special Condition No. 1		
Description:	Exceeded permit limit during an avoidable emissions e	vent.	

E.

Self Report?	005 (418277)		
	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, Sub		
Rqmt Prov:	PERMIT Other Requireme	ents, No. 3 prine residual limits for the discharge from the	domestic
Description:	sewage facility.	me residuar innus for the discharge from the	uomesiic
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, Sub		
Description:	-	residual samples within hold time.	
Date: 07/15/	005 (399321)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, Sub	•	
	30 TAC Chapter 115, Sub		
	30 TAC Chapter 116, Sub	• • • • • • • • • • • • • • • • • • • •	
	•	Chapter C, PT 60, SubPT VV 60.482-6(a)(1)	
Rqmt Prov:	PA 19868 SC No. 7E Failure to plug the open-er	nded lines	
Description: Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, Sub		
Citation.	30 TAC Chapter 116, Sub	• • • •	
	•	Chapter C, PT 60, SubPT A 60.18(c)(3)(ii)	
Rgmt Prov:	PA 35735 SC No. 3		
Description:	Failure to maintain net hea	ating value of flare header to a minimum value	e of 300 Btu/So
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, Sub	Chapter B 117.206(i)	
Description:	Failure to comply with 30 between the hours of 6:00	TAC 117.206(i) by operating the emergency g AM and Noon.	enerator
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, Sub	Chapter B 122.136(b)	
Description:		wder baghouse and vent CM-1307 in the title	V permit withi
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, Sub	Chapter H 115.782(c)(2)(A)	
Description:		dinary attempts to repair leaking valves within	seven days.
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, Sub	Chapter A 101.20(1)	
	30 TAC Chapter 116, Sub		
		Chapter C, PT 60, SubPT A 60.18(c)	
Rqmt Prov:	PA 5419 SC No. 3		
Rqmt Prov: Description:		issions from flare for more than five minutes i	n any two hou
Description: Date: 08/31/	Failure to avoid visible em period.		
Description: Date: 08/31/ Self Report?	Failure to avoid visible em period. 005 (440768) YES	Classification:	n any two hou Moderate
Description: Date: 08/31/	Failure to avoid visible em period. 005 (440768) YES 30 TAC Chapter 305, Sub	Classification: Chapter F 305.125(1)	
Description: Date: 08/31/ Self Report? Citation:	Failure to avoid visible em period. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a	Classification: Chapter F 305.125(1) a)	
Description: Date: 08/31/ Self Report? Citation: Description:	Failure to avoid visible em period. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit fo	Classification: Chapter F 305.125(1)	
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/	Failure to avoid visible em period. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit fo 2005 (397651)	Classification: Chapter F 305.125(1) a) or one or more permit parameter	Moderate
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report?	Failure to avoid visible em period. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit fo 2005 (397651) NO	Classification: Chapter F 305.125(1) a) or one or more permit parameter Classification:	
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/	Failure to avoid visible em period. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit fo 2005 (397651) NO 30 TAC Chapter 101, Sub	Classification: OChapter F 305.125(1) a) or one or more permit parameter Classification: OChapter A 101.20(1)	Moderate
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report?	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 115, Sub	Classification: OChapter F 305.125(1) a) or one or more permit parameter Classification: OChapter A 101.20(1) OChapter H 115.783(5)	Moderate
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report?	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 115, Sub 30 TAC Chapter 116, Sub	Classification: OChapter F 305.125(1) a) or one or more permit parameter Classification: OChapter A 101.20(1) OChapter H 115.783(5)	Moderate
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report?	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 115, Sub 30 TAC Chapter 116, Sub	Classification: Chapter F 305.125(1) a) or one or more permit parameter Classification: Chapter A 101.20(1) Chapter H 115.783(5) Chapter B 116.115(c) Chapter C, PT 60, SubPT VV 60.482-6(a)(1)	Moderate
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report? Citation:	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 115, Sub 30 TAC Chapter 116, Sub 40 CFR Chapter 60, Sub PERMIT Permit # 95 Spec Failure to seal three open	Classification: Chapter F 305.125(1) a) or one or more permit parameter Classification: Chapter A 101.20(1) Chapter H 115.783(5) Chapter B 116.115(c) Chapter C, PT 60, SubPT VV 60.482-6(a)(1) cial Condition 28E	Moderate
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report? Citation: Rqmt Prov:	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 115, Sub 30 TAC Chapter 116, Sub 40 CFR Chapter 60, SubC PERMIT Permit # 95 Spec Failure to seal three open	Classification: Chapter F 305.125(1) a) or one or more permit parameter Classification: Chapter A 101.20(1) Chapter H 115.783(5) Chapter B 116.115(c) Chapter C, PT 60, SubPT VV 60.482-6(a)(1) cial Condition 28E	Moderate
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Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report? Citation: Rqmt Prov: Description: Date: 04/28/	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 115, Sub 30 TAC Chapter 115, Sub 30 TAC Chapter 116, Sub 40 CFR Chapter 60, SubC PERMIT Permit # 95 Spec Failure to seal three open 2006 (453217)	Classification: Chapter F 305.125(1) a) or one or more permit parameter Classification: Chapter A 101.20(1) Chapter H 115.783(5) Chapter B 116.115(c) Chapter C, PT 60, SubPT VV 60.482-6(a)(1) cial Condition 28E ended lines. Classification:	Moderate
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Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report? Citation: Rqmt Prov: Description: Date: 04/28/ Self Report? Citation: Rqmt Prov: Rqmt Prov:	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 115, Sub 30 TAC Chapter 116, Sub 40 CFR Chapter 60, SubC PERMIT Permit # 95 Spect Failure to seal three open 2006 (453217) NO 30 TAC Chapter 116, Sub 5C THC Chapter 382, Sub PERMIT Permit No. 198	Classification: Chapter F 305.125(1) a) or one or more permit parameter Classification: Chapter A 101.20(1) Chapter A 101.20(1) Chapter H 115.783(5) Chapter B 116.115(c) Chapter C, PT 60, SubPT VV 60.482-6(a)(1) cial Condition 28E ended lines. Classification: Chapter B 116.115(c) Chapter B 116.115(c) Chapter A 382.085(b) 68, Special Condition 1	Moderate Minor Moderate
Description: Date: 08/31/ Self Report? Citation: Description: Date: 12/05/ Self Report? Citation: Rqmt Prov: Description: Date: 04/28/ Self Report? Citation:	Failure to avoid visible emperiod. 2005 (440768) YES 30 TAC Chapter 305, Sub TWC Chapter 26 26.121(a Failure to meet the limit for 2005 (397651) NO 30 TAC Chapter 101, Sub 30 TAC Chapter 116, Sub 30 TAC Chapter 116, Sub 40 CFR Chapter 60, SubC PERMIT Permit # 95 Spect Failure to seal three open 2006 (453217) NO 30 TAC Chapter 116, Sub 5C THC Chapter 382, Sub PERMIT Permit No. 198 Failure to keep the emissi	Classification: a) or one or more permit parameter Classification: Chapter A 101.20(1) Chapter H 115.783(5) Chapter B 116.115(c) Chapter C, PT 60, SubPT VV 60.482-6(a)(1) cial Condition 28E ended lines. Classification: Chapter B 116.115(c) Chapter B 116.115(c) Chapter A 382.085(b)	Moderate Minor Moderate
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•	Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THC Chapter 341, SubChapter A 341.0315(c)		
	Description:	Violated the maximum contaminant level for Trihalom of 2006.	ethanes during the	e fourth quarter
	Date: 05/18/2	2007 (652283)		
	Self Report?	NO	Classification:	Moderate
	Citation: Description: Date: 05/18/2	30 TAC Chapter 290, SubChapter F 290.113(f)(4) TOTAL TRIHALOMETHANES 2007 (568214)		
	Self Report? Citation:	NO 30 TAC Chapter 290, SubChapter F 290.113(f)(4)	Classification:	Moderate
	Description:	5A THC Chapter 341, SubChapter A 341.0315(c) Violated the maximum contaminant level for Trihalom	ethanes during the	e first quarter of
	Date: 08/10/2	2007. 2007 (652667)		
	Self Report?	NO	Classification:	Moderate
	Citation: Description: Date: 08/31/2	30 TAC Chapter 290, SubChapter F 290.113(f)(4) TOTAL TRIHALOMETHANES 2007 (565801)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	OP FOP #O-01353, Special Condition #1A OP FOP #O-01353, Special Condition #6 PERMIT Permit #19868, Special Condition #5E PERMIT Permit #35735, Special Condition #8E PERMIT Permit #5419, Special Condition #8E		
	Description:	Failure to seal open-ended lines in a VOC service.	01 15 11	
	Self Report? Citation:	NO 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	Classification:	Moderate
	Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b) OP FOP # O-01353, Special Condition #1A OP FOP # O-01353, Special Condition #6 PERMIT Permit #19868, Special Condition #8D PERMIT Permit #35735, Special Condition #4		
	Description:	Failure to prevent flares' on-line analyzers to be out of	service.	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 20 TAC Chapter 122, SubChapter B 122 112(1)		
		30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.18(c)(1)		
	Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b) OP FOP #O-01353, Special Condition #1A OP FOP #O-01353, Special Condition #6 PERMIT Permit #35735, Special Condition #3	·	• .
- · .	Description:	Failure to prevent visible emissions at the flare.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b) OP FOP #O-01353, Special Condition #6 PERMIT Permit #35735, Special Condition #4		-
	Description:	Failure to prevent flare monitoring data for vent flow ra malfunction.	ate lost due to par	ametric meter
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(5)(D)	Sidomoulon.	
		5C THC Chapter 382, SubChapter D 382.085(b) Failure to include in four previous deviation reports (M		

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Self Report?	emission components to TCEQ Houston Region Offic	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A 5C THC Chapter 382, SubChapter D 382.085(b)	.)(i)	
Description:	Failure to prevent extraordinary repair attempt not co detection for valve in HRVOC service (leaking <10,00		days of leak
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.786(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to submit reports of HRVOC fugitive emission repairable (i.e. placed on delay of repair) to the TCE(as required until the report covering the period endin	Q and local agency	semi-annu
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(2)		
Description:	5C THC Chapter 382, SubChapter D 382.085(b) Failure to collect samples for total VOC analysis whil tower analyzer was out of calibration.	e Polypropylene U	nit #2 coolin
O - If D - n - ndO	•	Classification:	Moderate
Self Report?	NO 30 TAC Chapter 117, SubChapter B 117.206(i)	Glassification.	mouerale
Citation: Description:	5C THC Chapter 382, SubChapter D 382.085(b) Failure to prevent stationary diesel emergency engine	ië tested between f	am and 12
Description.	noon.		
Date: 09/30/2	2007 (607523)	. 1	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
Departmetter	30 TAC Chapter 305, SubChapter F 305.125(1)	notor	
Description: Date: 11/15/2	Failure to meet the limit for one or more permit parar (653032).	netel	
Self Report?	NO (00002)	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description: Date: 02/08/2	TOTAL TRIHALOMETHANES		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	TOTAL TRIHALOMETHANES		
Date: 04/04/2		Classification:	Moderate
Self Report? Citation:	NO 30 TAC Chapter 116, SubChapter G 116.715(a)	Classification.	Nouerate
Chauon.	5C THSC Chapter 182 382.085(b)		
Rqmt Prov:	PERMIT No. 95, Special Condition 1		
Description:	Failure to prevent unauthorized emissions due to op	erator error.	
Date: 07/15/2		Ole ifie attend	Maalawaka
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.221(a) 30 TAC Chapter 116, SubChapter B 116.115(c)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A	A 60.18(c)(2)	
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT Special Condition No. 8B		
Description: Self Report?	Failed to prevent the loss of flame at the flare.	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	c.c.somouton.	
	5C THSC Chapter 382 382.085(b)	· · ·	
Rqmt Prov:	PERMIT Special Condition 1		ι.
Description:	Failed to prevent unauthorized emissions.		
Date: 08/22/2	2008 (687895) NO	Classification:	Moderate
Self Report? Citation:	NO 30 TAC Chapter 116, SubChapter B 116.115(c)	Chassingaron.	moderalç
onauon.	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT Special Condition #1		i
	Failure to prevent flare malfunction.		
Description:		OL 15 11	KA (1) 1
Description: Self Report? Citation:	NO 30 TAC Chapter 116, SubChapter B 116.115(c)	Classification:	Moderate

	Rqmt Prov: Description:	PERMIT Special Condition #8.B Failure to prevent the loss of flame on the flare.		
F.	Environmental audits.			
	Notice of Intent Date: No DOV Associa	02/12/2004 (263978) ted		
	Notice of Intent Date: No DOV Associa			
	Notice of Intent Date: No DOV Associa	02/19/2004 (265125) ted		
	Notice of Intent Date: No DOV Associa	09/08/2005 (435727) ted		
G.	Type of environmental ma	anagement systems (EMSs).		
	N/A			
н.	Voluntary on-site complia	nce assessment dates.		
	N/A			
Ι.	Participation in a voluntary pollution reduction program.			
	N/A			
J.	Early compliance.	· · · · · · · · · · · · · · · · · · ·		
	N/A			

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING INEOS USA LLC RN100238708 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1561-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INEOS USA LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a petrochemical plant at Farm-to-Market Road 2004 in Alvin, Brazoria County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 23, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Nine Thousand Two Hundred Fifty Dollars (\$9,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Four Hundred Dollars (\$7,400) of the administrative penalty and One Thousand Eight Hundred Fifty Dollars (\$1,850) is deferred

INEOS ÚSA LLC DOCKET NO. 2008-1561-AIR-E Page 2

contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent developed a plan to lower the temperature of the Storm/Process Wastewater Tank and skim off the organic layer floating on top of the water.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Air Permit 95, Special Condition 1, as documented in an investigation conducted on July 25, 2008. Specifically, during an emissions event on April 14, 2008 in the Storm/Process Wastewater Tank, emissions point number ("EPN") AF-4601B emitted 2,787.2 pounds ("lbs") of volatile organic compounds ("VOC"). The event lasted 950 hours and 45 minutes. This emissions event was avoidable, since the Respondent could have performed better operation and maintenance practices, thereby, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2008-1561-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Develop and implement measures to regularly inspect the Storm/Process Wastewater Tank and make any needed repairs or modifications to prevent the reoccurance of similar events as the April 14, 2008 event; and
 - Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3088

with a copy to:

Manager, Air Section Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

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- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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INEOS USA LLC DOCKET NO. 2008-1561-AIR-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Executive Director

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;

Automatic referral to the Attorney General's Office of any future enforcement actions; and

• TCEO seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

////2/08 Date

) RECTON

Title

Name (Printed or typed)` Authorized Representative of INEOS USA LLC

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.