

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-0089-MLM-E **TCEQ ID:** RN100210038 **CASE NO.:** 37048  
**RESPONDENT NAME:** INEOS USA LLC

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> USED OIL
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Green Lake Plant, 13050 State Highway 185 North, Port Lavaca, Calhoun County</p> <p><b>TYPE OF OPERATION:</b> Organic chemical manufacturing facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 7, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. John Shelton, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-2563; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. E. J. Sockell, Site Director, INEOS USA LLC, P.O. Box 659, Port Lavaca, Texas 77979  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 24-30, 2008 and January 21, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 26, 2008 and March 21, 2009 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>WATER/WASTE</b></p> <p>1) Failure to operate all components of the leachate collection/leak detection systems with less than 18 inches of leachate as required by the permit [30 TEX. ADMIN. CODE § 305.125(1) and (5) and Hazardous Waste ("HW") Permit No. 50143 Provision V.C.4.f.].</p> <p>2) Failure to indicate on the inspection records all required information [30 TEX. ADMIN. CODE § 335.152(a)(1), 40 CODE OF FEDERAL REGULATIONS § 263.15(d), and HW Permit No. 50143 Provisions II.A. and III.D].</p> <p>3) Failure to provide a hazardous waste tank (Spent Caustic Tank, NOR 038) with a built-in leak detection system capable of detecting a release within 24 hours [30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 CODE OF FEDERAL REGULATIONS §§ 262.34(a)(1)(ii) and 265.193(c)(3)].</p> <p>4) Failure to conduct required inspections at the frequency detailed in the permit. Specifically, it was determined that the Facility had failed to conduct required inspections at the frequency as detailed in the permit inspection schedule [30 TEX. ADMIN. CODE § 305.125(1) and (5) and HW Permit No. 50143 Provision III.D].</p>	<p><b>Total Assessed:</b> \$34,999</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$34,999</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> Environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted documentation on December 16, 2008, indicating an increase in the leachate monitoring and pumping program to maintain the leachate level below the permit limit of 18 inches and that the gutter and downspout system to control rainwater infiltration had been replaced;</p> <p>b. Submitted documentation on December 16, 2008, showing that the inspection program and record for communication, safety, security and spill equipment categories identified in Table III. D has been corrected to reflect all of the required inspection information;</p> <p>c. Submitted documentation on September 29, 2008 indicating a new inspection schedule has been implemented so that all permit-required inspections are done according to the frequency required by the permit;</p> <p>d. Removed the hazardous waste from on top of the container and closed the container managing hazardous waste on September 29, 2008;</p> <p>e. Corrected the labeling of the used oil storage container on September 25, 2008; and</p> <p>f. Installed a leak detection system for the Spent Caustic Tank, NOR 038, which is capable of detecting a release within 24 hours on February 1, 2009.</p>

<p>5) Failure to keep a container storing hazardous waste closed during storage, except when it is necessary to add or remove waste and failed to manage a container storing hazardous waste so as to not cause it to be opened, handled, or stored in a manner which may rupture the container or cause it to leak [30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 CODE OF FEDERAL REGULATIONS § 265.173(a) and (b)].</p> <p>6) Failure to prevent an unauthorized discharge into or adjacent to water in the state. Specifically, approximately 1.2 gallons of acetone cyanohydrin were released from the Facility into the Victoria Barge Canal resulting in a fishkill [TEX. WATER CODE § 26.121(a)].</p> <p>7) Failure to clearly label containers storing used oil [30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS § 279.22(c)(1)].</p>		
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Additional ID No(s): 32164 and 50143





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	30-Mar-2009	Screening	20-Apr-2009	EPA Due	
	PCW	14-Aug-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	INEOS USA LLC		
Reg. Ent. Ref. No.	RN100210038		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37048	No. of Violations	6
Docket No.	2009-0089-MLM-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Water Quality, Used Oil	Enf. Coordinator	John Shelton
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$32,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	23.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$7,475</b>
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Notes: The Respondent has received one NOV with same or similar violations and nine NOV's with dissimilar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$2,700</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$2,758  
Approx. Cost of Compliance: \$58,303  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$37,275</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$37,275</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$34,975</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$34,975</b>
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Screening Date 20-Apr-2009

Docket No. 2009-0089-MLM-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 37048

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210038

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator John Shelton

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	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%

Adjustment Percentage (Subtotal 2) 23%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received one NOV with same or similar violations and nine NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 23%

<b>Screening Date</b> 20-Apr-2009	<b>Docket No.</b> 2009-0089-MLM-E	<b>PCW</b>																
<b>Respondent</b> INEOS USA LLC		<i>Policy Revision 2 (September 2002)</i>																
<b>Case ID No.</b> 37048		<i>PCW Revision October 30, 2008</i>																
<b>Reg. Ent. Reference No.</b> RN100210038																		
<b>Media [Statute]</b> Industrial and Hazardous Waste																		
<b>Enf. Coordinator</b> John Shelton																		
<b>Violation Number</b> 1																		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and (5) and Hazardous Waste ("HW") Permit No. 50143 Provision V.C.4.f.																	
<b>Violation Description</b>	Failed to operate all components of the leachate collection/leak detection systems with less than 18 inches of leachate as required by the permit, as documented during an investigation conducted on September 24 through September 30, 2008. Specifically, during the investigation it was noted that in the Facility's hazardous waste landfill (NOR 027) leachate records, the level of leachate indicated in the leachate collection and leak detection systems for Cell 9 exceeded the permit limit of 18 inches from February 7, 2007 to at least September 29, 2008.																	
	<b>Base Penalty</b>	\$10,000																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
<b>OR</b>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential		x		<b>Percent</b> 25%
	Harm																	
Release	Major	Moderate	Minor															
Actual																		
Potential		x																
<b>&gt;&gt; Programmatic Matrix</b>																		
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	Major	Moderate	Minor															
Falsification																		
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to a significant amount of pollutants which would not exceed protective levels as a result of the violation.																	
	<b>Adjustment</b>	\$7,500																
		\$2,500																
<b>Violation Events</b>																		
	<b>Number of Violation Events</b> 7	<b>Number of violation days</b> 600																
<i>mark only one with an x</i>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b> \$17,500		
daily																		
weekly																		
monthly																		
quarterly	x																	
semiannual																		
annual																		
single event																		
	Seven quarterly events are recommended for the review period of February 7, 2007 to September 29, 2008.																	
<b>Good Faith Efforts to Comply</b>	10.0% Reduction	\$1,750																
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary		x	N/A		(mark with x)					
	Before NOV	NOV to EDPRP/Settlement Offer																
Extraordinary																		
Ordinary		x																
N/A		(mark with x)																
<b>Notes</b>	The Respondent came into compliance on December 16, 2008																	
	<b>Violation Subtotal</b>	\$15,750																
<b>Economic Benefit (EB) for this violation</b>																		
	<b>Estimated EB Amount</b>	\$464																
<b>Statutory Limit Test</b>																		
	<b>Violation Final Penalty Total</b>	\$19,775																
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$19,775																

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 37048  
**Reg. Ent. Reference No.** RN100210038  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
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	\$5,000	7-Feb-2007	16-Dec-2008	1.88	\$464	n/a	\$464
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The estimated cost to maintain leachate levels under 18 inches as listed in HW Permit No. 50143 Provision V.C.4.f. The Date Required is the beginning of the review period and the Final Date is the date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$5,000

TOTAL

\$464

<p><b>Screening Date</b> 20-Apr-2009  <b>Respondent</b> INEOS USA LLC  <b>Case ID No.</b> 37048  <b>Reg. Ent. Reference No.</b> RN100210038  <b>Media [Statute]</b> Industrial and Hazardous Waste  <b>Enf. Coordinator</b> John Shelton  <b>Violation Number</b> 2  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 335.152(a)(1), 40 Code of Federal Regulations § 263.15(d) and HW Permit No. 50143 Provisions II.A and III.D.</p>	<p><b>Docket No.</b> 2009-0089-MLM-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2009</i></p>																												
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		Major	Moderate	Minor																									
			x		<b>Percent</b> 10%																								
<p>\$1,000</p>																													
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	weekly																												
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	quarterly		x																										
	semiannual																												
	annual																												
		single event																											
<p>\$100</p>																													
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<b>Notes</b> The Respondent came into compliance on December 16, 2008.																													
<p>\$11</p>																													
<p><b>Economic Benefit (EB) for this violation</b>      <b>Statutory Limit Test</b></p> <p><b>Estimated EB Amount</b> \$11      <b>Violation Final Penalty Total</b> \$1,130</p> <p style="text-align: right;"><b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,130</p>																													

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 37048  
**Reg. Ent. Reference No.** RN100210038  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
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	\$1,000	24-Sep-2008	16-Dec-2008	0.23	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The estimated cost to implement procedures to insure that all information identified on Table III.D in HW Permit No. 50143 is listed on the Facility's Inspection records. Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance TOTAL

\$1,000	\$11
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<p><b>Screening Date</b> 20-Apr-2009  <b>Respondent</b> INEOS USA LLC  <b>Case ID No.</b> 37048  <b>Reg. Ent. Reference No.</b> RN100210038  <b>Media [Statute]</b> Industrial and Hazardous Waste  <b>Enf. Coordinator</b> John Shelton  <b>Violation Number</b> 3  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 Code of Federal Regulations §§ 262.34(a)(1)(ii) and 265.193(c)(3)  <b>Violation Description</b> Failed to provide a hazardous waste tank (Spent Caustic Tank, NOR 038) with a built-in leak detection system capable of detecting a release within 24 hours, as documented during an investigation conducted on September 24 through September 30, 2008.</p>	<p><b>Docket No.</b> 2009-0089-MLM-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																																										
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<p><b>Violation Subtotal</b> \$900</p>																																											
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## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 37048  
**Reg. Ent. Reference No.** RN100210038  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment	\$10,000	24-Sep-2008	1-Feb-2009	0.36	\$12	\$237	\$249
Buildings				0.00	\$0	\$0	\$0
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
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a leak detection system capable of detecting a release within 24 hours. The Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$249

<p><b>Screening Date</b> 20-Apr-2009  <b>Respondent</b> INEOS USA LLC  <b>Case ID No.</b> 37048  <b>Reg. Ent. Reference No.</b> RN100210038  <b>Media [Statute]</b> Industrial and Hazardous Waste  <b>Enf. Coordinator</b> John Shelton  <b>Violation Number</b> 4  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(1) and (5) and HW Permit No. 50143 Provision III.D.  <b>Violation Description</b> Failed to conduct required inspections at the frequency detailed in the Facility's operating permit. Specifically, the Fire Safety and Emergency Equipment inspections were being performed on a monthly basis and not weekly which is required by the permit inspection schedule.</p>	<p><b>Docket No.</b> 2009-0089-MLM-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																											
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Number of Violation Events	2	5	Number of violation days																									
<i>mark only one with an x</i>	daily																											
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	single event	x																										
Two single events are recommended (one for each inspection report).																												
<b>Good Faith Efforts to Comply</b>																												
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">25.0% Reduction</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		25.0% Reduction			Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	x		N/A		(mark with x)	<b>Notes</b> The Respondent came into compliance on September 29, 2008.												
	25.0% Reduction																											
	Before NOV	NOV to EDPRP/Settlement Offer																										
Extraordinary																												
Ordinary	x																											
N/A		(mark with x)																										
<b>Violation Subtotal</b> \$1,500																												
<b>Economic Benefit (EB) for this violation</b>																												
<b>Estimated EB Amount</b> \$1	<b>Statutory Limit Test</b>																											
<b>Violation Final Penalty Total</b> \$1,960																												
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,960																												

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 37048  
**Reg. Ent. Reference No.** RN100210038  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
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	\$1,000	24-Sep-2008	29-Sep-2008	0.01	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to implement weekly inspections as required by the facility operating plan. Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,000	TOTAL	\$1
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<p><b>Screening Date</b> 20-Apr-2009</p> <p><b>Respondent</b> INEOS USA LLC</p> <p><b>Case ID No.</b> 37048</p> <p><b>Reg. Ent. Reference No.</b> RN100210038</p> <p><b>Media [Statute]</b> Industrial and Hazardous Waste</p> <p><b>Enf. Coordinator</b> John Shelton</p> <p><b>Violation Number</b> 5</p> <p><b>Rule Cite(s)</b> 30 Tex. Admin. Code § 335.112(a)(8) and 40 Code of Federal Regulations § 266.173(a) and (b)</p> <p><b>Violation Description</b> Failed to keep the container closed during storage, except when it is necessary to add or remove waste and failed to manage a container storing hazardous waste so as to not cause it to be opened, handled, or stored in a manner which may rupture the container or cause it to leak.</p>	<p><b>Docket No.</b> 2009-0089-MLM-E</p> <p style="text-align: right;"><b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2009</i></p> <p style="text-align: right;"><b>Base Penalty</b> \$10,000</p>																						
<p><b>&gt;&gt; Environmental, Property and Human Health Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle;"><b>OR</b></td> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> 10%</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>				Harm					Release	Major	Moderate	Minor		<b>OR</b>	Actual				<b>Percent</b> 10%	Potential			x
		Harm																					
	Release	Major	Moderate	Minor																			
<b>OR</b>	Actual				<b>Percent</b> 10%																		
	Potential			x																			
<p><b>&gt;&gt; Programmatic Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>Falsification</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="vertical-align: middle;"><b>Percent</b> 0%</td> </tr> </table> <p><b>Matrix Notes</b> Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.</p> <p style="text-align: right;"><b>Adjustment</b> \$9,000</p>			Falsification	Major	Moderate	Minor							<b>Percent</b> 0%										
	Falsification	Major	Moderate	Minor																			
					<b>Percent</b> 0%																		
<p><b>Violation Events</b></p> <p>Number of Violation Events <input type="text" value="1"/> <input type="text" value="5"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td>daily</td> <td><input type="text"/></td> </tr> <tr> <td>weekly</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td style="text-align: center;">x</td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> \$1,000</p> <p style="text-align: center; border: 1px solid black; padding: 5px;">One single event is recommended.</p>		<i>mark only one with an x</i>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x							
<i>mark only one with an x</i>	daily		<input type="text"/>																				
	weekly		<input type="text"/>																				
	monthly		<input type="text"/>																				
	quarterly		<input type="text"/>																				
	semiannual		<input type="text"/>																				
	annual	<input type="text"/>																					
single event	x																						
<p><b>Good Faith Efforts to Comply</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">25.0% Reduction</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td></td> </tr> <tr> <td>N/A</td> <td><input type="text"/></td> <td>(mark with x)</td> <td></td> </tr> </table> <p><b>Notes</b> The Respondent came into compliance on September 29, 2008.</p> <p style="text-align: right;"><b>Violation Subtotal</b> \$750</p>				25.0% Reduction				Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>		Ordinary	x	<input type="text"/>		N/A	<input type="text"/>	(mark with x)			
		25.0% Reduction																					
		Before NOV	NOV to EDRP/Settlement Offer																				
Extraordinary	<input type="text"/>	<input type="text"/>																					
Ordinary	x	<input type="text"/>																					
N/A	<input type="text"/>	(mark with x)																					
<p><b>Economic Benefit (EB) for this violation</b></p> <p><b>Estimated EB Amount</b> \$1</p>		<p><b>Statutory Limit Test</b></p> <p><b>Violation Final Penalty Total</b> \$980</p> <p><b>This violation Final Assessed Penalty (adjusted for limits)</b> \$980</p>																					

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 37048  
**Reg. Ent. Reference No.** RN100210038  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
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
Other (as needed)	\$1,000	24-Sep-2008	29-Sep-2008	0.01	\$1	n/a	\$1

**Notes for DELAYED costs**  
 The estimated cost to implement procedures to insure that the containers of hazardous waste are managed as required. Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)						
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$1,000 **TOTAL** \$1

<p><b>Screening Date</b> 20-Apr-2009  <b>Respondent</b> INEOS USA LLC  <b>Case ID No.</b> 37048  <b>Reg. Ent. Reference No.</b> RN100210038  <b>Media [Statute]</b> Industrial and Hazardous Waste  <b>Enf. Coordinator</b> John Shelton  <b>Violation Number</b> 6  <b>Rule Cite(s)</b> Tex. Water Code § 26.121(a)  <b>Violation Description</b>                  Failed to prevent an unauthorized discharge into or adjacent to water in the state. Specifically, approximately 1.2 gallons of acetone cyanohydrin were released from the Facility into the Victoria Barge Canal resulting in a fishkill.</p>	<p><b>Docket No.</b> 2009-0089-MLM-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2009</i></p>																						
<b>Base Penalty</b> \$10,000																							
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																							
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle;">OR</td> <td style="text-align: center;">Release</td> <td style="text-align: center;">Actual</td> <td style="text-align: center;">Potential</td> <td></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> 100%</td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>				Harm						Major	Moderate	Minor		OR	Release	Actual	Potential		<b>Percent</b> 100%		x		
		Harm																					
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		Major	Moderate	Minor																			
					<b>Percent</b> 0%																		
<b>Matrix Notes</b>	Human health or the environment has been exposed to pollutants which exceed protective levels.																						
<b>Adjustment</b> \$0					\$10,000																		
<b>Violation Events</b>																							
Number of Violation Events		1	Number of violation days		1																		
mark only one with an x	daily	x																					
	weekly																						
	monthly																						
	quarterly																						
	semiannual																						
	annual																						
	single event																						
One daily event is recommended.					<b>Violation Base Penalty</b> \$10,000																		
<b>Good Faith Efforts to Comply</b>																							
		0.0%	Reduction		\$0																		
		Before NOV	NOV to EDRP/Settlement Offer																				
Extraordinary																							
Ordinary																							
N/A	x	(mark with x)																					
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																						
<b>Violation Subtotal</b>					\$10,000																		
<b>Economic Benefit (EB) for this violation</b>																							
<b>Estimated EB Amount</b>		\$2,032		<b>Statutory Limit Test</b>																			
<b>Violation Final Penalty Total</b>					\$12,300																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$10,000																		

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 37048  
**Reg. Ent. Reference No.** RN100210038  
**Media** Industrial and Hazardous Waste  
**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
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	\$40,303	21-Jan-2009	24-Jan-2010	1.01	\$2,032	n/a	\$2,032
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The cost of repairs to the Facility to prevent the unauthorized discharge of hazardous waste into or adjacent to the water of the state. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$40,303	<b>TOTAL</b>	\$2,032
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	1-Dec-2008	Screening	23-Dec-2008	EPA Due	
	PCW	9-Mar-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	INEOS USA LLC		
Reg. Ent. Ref. No.	RN100210038		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37048	No. of Violations	1
Docket No.	2009-0089-MLM-E	Order Type	Findings
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste, WQ	Enf. Coordinator	John Shelton
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**  Enhancement Subtotals 2, 3, & 7

Notes

**Culpability**   Enhancement Subtotal 4

Notes

**Good Faith Effort to Comply Total Adjustments** Subtotal 5

**Economic Benefit**  Enhancement\* Subtotal 6

Total EB Amounts   
Approx. Cost of Compliance  *\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

**Screening Date** 23-Dec-2008

**Docket No.** 2009-0089-MLM-E

**PCW**

**Respondent** INEOS USA LLC

*Policy Revision 2 (September 2002)*

**Case ID No.** 37048

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100210038

**Media [Statute]** Used Oil

**Enf. Coordinator** John Shelton

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOV meeting criteria)</i>	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	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%

*Please Enter Yes or No*

Other	Environmental management systems in place for one year or more	No	0%
	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%

**Adjustment Percentage (Subtotal 2)** 20%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

The Respondent has received 10 NOVs with dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

<b>Screening Date</b>	23-Dec-2008	<b>Docket No.</b>	2009-0089-MLM-E	<b>PCW</b>
<b>Respondent</b>	INEOS USA LLC			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	37048			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN100210038			
<b>Media [Statute]</b>	Used Oil			
<b>Enf. Coordinator</b>	John Shelton			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 324.1 and 40 Code of Federal Regulations § 279.22 (c)(1)			
<b>Violation Description</b>	Failed to clearly label containers storing used oil, as documented during an investigation conducted on September 24, 2008. Specifically, a storage tank managing used oil was labeled with the wording "Waste Oil" instead of the required wording of "Used Oil".			
		<b>Base Penalty</b>	\$2,500	

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				
				0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	1%
<b>Matrix Notes</b>	Less than 30% of the rule was not met.				

**Adjustment** \$2,475

\$25

Violation Events

Number of Violation Events	1	Number of violation days	1
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	

**Violation Base Penalty** \$25

One single event is recommended.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes** The Respondent came into compliance on September 25, 2008.

**Violation Subtotal** \$19

Economic Benefit (EB) for this violation

**Estimated EB Amount** \$0

Statutory Limit Test

**Violation Final Penalty Total** \$24

**This violation Final Assessed Penalty (adjusted for limits)** \$24

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 37048  
**Reg. Ent. Reference No.** RN100210038  
**Media** Used Oil  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
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	\$100	24-Sep-2008	25-Sep-2008	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to label the container. The Date Required is the investigation date and the Final Date is the date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$0

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN602817884	INEOS USA LLC	Classification: AVERAGE	Rating:2.69
Regulated Entity:	RN100210038	GREEN LAKE PLANT	Classification: AVERAGE	Site Rating:0.13
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CB0034B	
	AIR OPERATING PERMITS	PERMIT	1284	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD00075117	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32164	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50143	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50143	
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	36304	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW163	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW164	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW165	
	WASTEWATER	PERMIT	WQ00021810	
	WASTEWATER	PERMIT	TPDES00775	
	WASTEWATER	PERMIT	TX0077577	
	AIR NEW SOURCE PERMITS	PERMIT	6289	
	AIR NEW SOURCE PERMITS	PERMIT	8533	
	AIR NEW SOURCE PERMITS	PERMIT	18046	
	AIR NEW SOURCE PERMITS	PERMIT	19985	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CB0034B	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX76M7	
	AIR NEW SOURCE PERMITS	REGISTRATION	37680	
	AIR NEW SOURCE PERMITS	AFS NUM	4805700013	
	AIR NEW SOURCE PERMITS	PERMIT	56687	
	AIR NEW SOURCE PERMITS	REGISTRATION	73253	
	AIR NEW SOURCE PERMITS	REGISTRATION	72642	
	AIR NEW SOURCE PERMITS	REGISTRATION	74560	
	AIR NEW SOURCE PERMITS	REGISTRATION	76678	
	AIR NEW SOURCE PERMITS	REGISTRATION	15031	
	AIR NEW SOURCE PERMITS	REGISTRATION	28413	
	AIR NEW SOURCE PERMITS	REGISTRATION	31768	
	AIR NEW SOURCE PERMITS	REGISTRATION	37681	
	AIR NEW SOURCE PERMITS	REGISTRATION	43520	
	AIR NEW SOURCE PERMITS	REGISTRATION	43764	
	AIR NEW SOURCE PERMITS	REGISTRATION	44187	
	AIR NEW SOURCE PERMITS	REGISTRATION	45119	
	AIR NEW SOURCE PERMITS	REGISTRATION	46652	
	AIR NEW SOURCE PERMITS	REGISTRATION	47619	
	AIR NEW SOURCE PERMITS	REGISTRATION	49392	
	AIR NEW SOURCE PERMITS	REGISTRATION	49524	
	AIR NEW SOURCE PERMITS	REGISTRATION	49562	
	AIR NEW SOURCE PERMITS	REGISTRATION	50726	
	AIR NEW SOURCE PERMITS	REGISTRATION	78494	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX76M8	
	AIR NEW SOURCE PERMITS	REGISTRATION	81600	
	AIR NEW SOURCE PERMITS	REGISTRATION	82172	
	AIR NEW SOURCE PERMITS	REGISTRATION	87157	
	AIR NEW SOURCE PERMITS	REGISTRATION	84600	
	AIR NEW SOURCE PERMITS	PERMIT	83776	
	AIR NEW SOURCE PERMITS	REGISTRATION	82768	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0290051	

Location: 13050 STATE HIGHWAY 185 N, PORT LAVACA, TX, 77979

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: April 30, 2009

Agency Decision Requiring Compliance Enforcement

Compliance Period: April 30, 2004 to April 30, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: John Shelton Phone: (512) 239-2563

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes

3. If Yes, who is the current owner/operator?

O&D USA Inc.

INEOS USA LLC

Innovene USA LLC

4. If Yes, who was/were the prior owner(s)/operator(s) ?

BP Amoco Chemical Company

BP Chemicals Inc.

5. When did the change(s) in owner or operator occur?

12/08/2004

04/01/2005

6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. 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.)

- |   |            |          |
|---|------------|----------|
| 1 | 05/03/2004 | (269926) |
| 2 | 05/03/2004 | (269928) |
| 3 | 05/03/2004 | (269929) |
| 4 | 05/17/2004 | (272266) |
| 5 | 05/18/2004 | (360083) |

6	05/18/2004	(360084)
7	06/17/2004	(314606)
8	07/29/2004	(281355)
9	07/29/2004	(281361)
10	07/29/2004	(281369)
11	08/19/2004	(289141)
12	08/20/2004	(360085)
13	09/20/2004	(360086)
14	10/19/2004	(360087)
15	11/23/2004	(386342)
16	12/06/2004	(342702)
17	12/22/2004	(386343)
18	12/22/2004	(386344)
19	02/22/2005	(424224)
20	03/15/2005	(424225)
21	03/22/2005	(373045)
22	03/22/2005	(373057)
23	03/22/2005	(373060)
24	04/01/2005	(372034)
25	04/06/2005	(376428)
26	04/06/2005	(376429)
27	04/06/2005	(376431)
28	04/22/2005	(424226)
29	04/25/2005	(378220)
30	04/25/2005	(378226)
31	05/10/2005	(380397)
32	05/18/2005	(424227)
33	05/24/2005	(378236)
34	06/02/2005	(393270)
35	06/09/2005	(393543)
36	06/17/2005	(392552)
37	06/20/2005	(424228)
38	06/20/2005	(424229)
39	07/09/2005	(399414)
40	07/14/2005	(398330)
41	07/14/2005	(398504)
42	07/14/2005	(398527)
43	07/14/2005	(398529)
44	07/19/2005	(445004)
45	07/27/2005	(399379)
46	07/27/2005	(401019)
47	08/10/2005	(401179)
48	08/19/2005	(445005)
49	08/29/2005	(406671)
50	09/19/2005	(445006)
51	10/26/2005	(476002)
52	11/28/2005	(476003)
53	12/20/2005	(440050)
54	12/22/2005	(476004)
55	01/19/2006	(476005)
56	01/24/2006	(451829)
57	02/14/2006	(440310)
58	02/21/2006	(475998)
59	03/21/2006	(475999)
60	03/21/2006	(476000)

61	03/21/2006	(476001)
62	04/04/2006	(459062)
63	04/04/2006	(459068)
64	04/04/2006	(459071)
65	04/17/2006	(461261)
66	04/17/2006	(461268)
67	04/17/2006	(461272)
68	04/20/2006	(462277)
69	04/20/2006	(462278)
70	05/22/2006	(503210)
71	06/21/2006	(503211)
72	06/28/2006	(464090)
73	08/03/2006	(486945)
74	08/03/2006	(486947)
75	08/07/2006	(488260)
76	08/14/2006	(486866)
77	08/17/2006	(497292)
78	08/21/2006	(525574)
79	09/13/2006	(512014)
80	09/19/2006	(525575)
81	09/26/2006	(513297)
82	10/24/2006	(550215)
83	11/27/2006	(550216)
84	11/27/2006	(550218)
85	12/27/2006	(550217)
86	02/16/2007	(585480)
87	04/02/2007	(585481)
88	04/12/2007	(542231)
89	04/12/2007	(542239)
90	04/12/2007	(542245)
91	04/19/2007	(585482)
92	04/19/2007	(585485)
93	05/14/2007	(557967)
94	05/14/2007	(557977)
95	05/14/2007	(557981)
96	05/18/2007	(560122)
97	05/24/2007	(585483)
98	05/29/2007	(561222)
99	05/29/2007	(561288)
100	06/22/2007	(585484)
101	07/24/2007	(567854)
102	07/24/2007	(567867)
103	07/24/2007	(567900)
104	08/20/2007	(604585)
105	08/20/2007	(604586)
106	08/20/2007	(604587)
107	08/20/2007	(604588)
108	11/14/2007	(599700)
109	11/26/2007	(623708)
110	11/27/2007	(596346)
111	12/27/2007	(623709)
112	02/25/2008	(674952)
113	03/26/2008	(650563)
114	03/26/2008	(693289)

115 03/26/2008 (693290)  
 116 03/26/2008 (693292)  
 117 03/31/2008 (638966)  
 118 04/29/2008 (641081)  
 119 04/29/2008 (641084)  
 120 04/29/2008 (641087)  
 121 04/29/2008 (641319)  
 122 04/29/2008 (641323)  
 123 04/29/2008 (641325)  
 124 04/29/2008 (653444)  
 125 04/29/2008 (653447)  
 126 05/22/2008 (693291)  
 127 05/23/2008 (653810)  
 128 05/27/2008 (680293)  
 129 06/23/2008 (714531)  
 130 07/07/2008 (882159)  
 131 07/07/2008 (682187)  
 132 07/07/2008 (682191)  
 133 08/19/2008 (714532)  
 134 09/18/2008 (714534)  
 135 09/23/2008 (714533)  
 136 09/23/2008 (714535)  
 137 10/24/2008 (704564)  
 138 10/24/2008 (704565)  
 139 10/24/2008 (704566)  
 140 11/14/2008 (707035)  
 141 11/19/2008 (707472)  
 142 11/24/2008 (730488)  
 143 11/25/2008 (704568)  
 144 12/22/2008 (730489)  
 145 02/17/2009 (725975)  
 146 02/17/2009 (725978)  
 147 02/17/2009 (725980)  
 148 03/25/2009 (725114)  
 149 04/29/2009 (740938)  
 150 04/29/2009 (740946)  
 151 04/29/2009 (740949)

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

Dat 12/31/2004 (386344) CN602817884  
 Self YES Classification: Moderate  
 Citation 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Descr Failure to meet the limit for one or more permit parameter  
 Dat 04/30/2006 (503210) CN602817884  
 Self YES Classification: Moderate  
 Citation 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Descr Failure to meet the limit for one or more permit parameter  
 Dat 06/28/2006 (464090) CN602817884  
 Self NO Classification: Moderate  
 Citation 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)  
 Descr Failure to provide a leak detection system for a hazardous waste storage tank.  
 Self NO Classification: Minor  
 Citation 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)

Permit Provision V.C. 4. f. OP

Descr Failure to ensure leachate depth over the liner does not exceed 18 inches.

Dat 07/31/2006 (525574) CN602817884

Self YES Classification: Moderate

Citation 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Descr Failure to meet the limit for one or more permit parameter

Dat 08/07/2006 (488260) CN602817884

Self NO Classification: Minor

Citation 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)

Descr Failure to calibrate the on-line turbidimeters at least once every 90 days with primary standards.

Self NO Classification: Minor

Citation 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Descr Failure to calibrate flow measuring devices and rate-of-flow controllers that are required by 30 TAC §290.42(d)(5) at least once every 12 months.

Dat 11/27/2007 (596346) CN602817884

Self NO Classification: Moderate

Citation 30 TAC Chapter 334, SubChapter C 334.50(d)(4)(A)(i)

Descr Failure to provide an effective inventory control procedure for the facility's UST system as required by Title 30 Texas Admin. Code § 334.50(d)(4)(A)(i).

Dat 05/22/2008 (650563) CN602817884

Self NO Classification: Moderate

Citation 30 TAC Chapter 305, SubChapter F 305.125(1)

TPDES Permit No.WQ0002181-000 PERMIT

Descr Failure to meet self-monitored effluent limitations for pH maximum and oil and grease daily maximum (O&G).

Dat 10/24/2008 (704564)

Self NO Classification: Moderate

Citation 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 331, SubChapter D 331.63(g)

V. C. Character of the Waste Streams PERMIT

VIII. Operating Parameters PERMIT

XII. Additional Requirements PERMIT

Description: Failure to maintain the pH of injected waste streams as no greater than 8.0 and no less than 4.0 standard units.

Date: 10/24/2008 (704565) CN602817884

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 331, SubChapter D 331.63(g)

V. C. Character of the Waste Streams PERMIT

VIII. Operating Parameters PERMIT

XI. E. Additional Requirements PERMIT

Description: Failure to maintain the pH of injected waste streams as no greater than 8.0 and no less than 4.0 standard units.

Date: 10/24/2008 (704566) CN602817884

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 331, SubChapter D 331.63(g)

V. C. Character of the Waste Streams PERMIT

VII. Operating Parameters PERMIT

XI. E. Additional Requirements PERMIT

Description: Failure to maintain the pH of injected waste streams as no greater than 8.0 and no less than 4.0 standard units.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

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  
RN100210038**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-0089-MLM-E**

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 chs. 361 and 371 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates an organic chemical manufacturing facility at 13050 State Highway 185 North in Port Lavaca, Calhoun County, Texas (the "Facility").

2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY Code ch. 361 and involves or involved the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
3. During an investigation conducted on September 24 through September 30, 2008, TCEQ staff documented that in the Facility's hazardous waste landfill (NOR 027) leachate records, the level of leachate indicated in the leachate collection and leak detection systems for Cell 9 exceeded the permit limit of 18 inches from February 7, 2007 to at least September 29, 2008.
4. During an investigation conducted on September 24 through September 30, 2008, TCEQ staff documented that various inspection records reviewed during the investigation lacked some of the required information.
5. During an investigation conducted on September 24 through September 30, 2008, TCEQ staff documented a hazardous waste tank (Spent Caustic Tank, NOR 038) did not have a built-in leak detection system capable of detecting a release within 24 hours.
6. During an investigation conducted on September 24 through September 30, 2008, TCEQ staff documented that the Fire Safety and Emergency Equipment inspections were being performed on a monthly basis and not weekly which is required by the permit inspection schedule.
7. During an investigation conducted on September 24 through September 30, 2008, TCEQ staff documented that the Respondent did not keep a container storing hazardous waste closed during storage, except when it is necessary to add or remove waste and did not manage a container storing hazardous waste so as to not cause it to be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
8. During an investigation conducted on January 21, 2009, TCEQ staff documented an unauthorized discharge into or adjacent to water in the state. Specifically, approximately 1.2 gallons of acetone cyanohydrin were released from the Facility into the Victoria Barge Canal resulting in a fishkill.
9. During an investigation conducted on September 24 through September 30, 2008, TCEQ staff documented that the Respondent failed to clearly label containers storing used oil.
10. The Respondent received notices of the violations on December 1, 2008 and March 26, 2009.
11. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Submitted documentation on December 16, 2008, indicating an increase in the leachate monitoring and pumping program to maintain the leachate level below the permit limit of 18 inches and that the gutter and downspout system to control rainwater infiltration had been replaced.

- b. Submitted documentation on December 16, 2008, showing that the inspection program and record for communication, safety, security and spill equipment categories identified in Table III. D has been corrected to reflect all of the required inspection information;
- c. Submitted documentation on September 29, 2008 indicating a new inspection schedule has been implemented so that all permit-required inspections are done according to the frequency required by the permit;
- d. Removed the hazardous waste from on top of the container and closed the container managing hazardous waste on September 29, 2008;
- e. Corrected the labeling of the used oil storage container on September 25, 2008; and
- f. Installed a leak detection system for the Spent Caustic Tank, NOR 038, which is capable of detecting a release within 24 hours on February 1, 2009.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to operate all components of the leachate collection/leak detection systems with less than 18 inches of leachate as required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and Hazardous Waste ("HW") Permit No. 50143 Provision V.C.4.f.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to indicate on the inspection records all required information, in violation of 30 TEX. ADMIN. CODE § 335.152(a)(1), 40 CODE OF FEDERAL REGULATIONS § 263.15(d) and HW Permit No. 50143 Provisions II.A. and III.D.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to provide a hazardous waste tank (Spent Caustic Tank, NOR 038) with a built-in leak detection system capable of detecting a release within 24 hours, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 CODE OF FEDERAL REGULATIONS §§ 262.34(a)(1)(ii) and 265.193(c)(3).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to conduct required inspections at the frequency detailed in the permit. Specifically, it was determined that the Facility had failed to conduct required inspections at the frequency as detailed in the permit inspection schedule, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and HW Permit No. 50143 Provision III.D.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to keep a container storing hazardous waste closed during storage, except when it is necessary to add or remove waste and failed to manage a container storing hazardous waste so as to not cause it to be opened, handled,

or stored in a manner which may rupture the container or cause it to leak, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 CODE OF FEDERAL REGULATIONS § 265.173(a) and (b).

7. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent an unauthorized discharge into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to clearly label containers storing used oil, in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS § 279.22(c)(1).
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of Thirty-Four Thousand Nine Hundred Ninety-Nine Dollars (\$34,999) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Thirty-Four Thousand Nine Hundred Ninety-Nine Dollar (\$34,999) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirty-Four Thousand Nine Hundred Ninety-Nine Dollars (\$34,999) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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. 2009-0089-MLM-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

2. 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 Facility operations referenced in this Agreed Order.

3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. 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.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bradley  
For the Executive Director

12/15/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of INEOS USA LLC. I am authorized to agree to the attached Agreed Order on behalf of INEOS USA LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, INEOS USA LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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
- TCEQ seeking other relief as authorized by law.

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

S. J. Adcock  
Signature

8/20/2009  
Date

E. J. Sockell  
Name (Printed or typed)  
Authorized Representative of  
INEOS USA LLC

Site Director  
Title

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.