

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1737-AIR-E TCEQ ID: RN100238708 CASE NO.: 38595

RESPONDENT NAME: INEOS USA LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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 type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Chocolate Bayou Plant, located two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004, Alvin, Brazoria County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1279-AIR-E, 2008-1816-AIR-E, and 2009-1084-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 22, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Theresa Vitek, Health, Safety, and Environmental Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512 Mr. John Harvey, Site Director, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 9, 2009</p> <p>Date of NOV/NOE Relating to this Case: September 22, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, the Respondent released 1,913 pounds of 1,3-butadiene from the Olefins 2 Cooling Tower (Emission Point Number DAT-3201) during an avoidable emissions event (Incident No. 125338) that began June 9, 2009 and lasted eight hours and one minute. The unauthorized release was the result of the polymerization of 1,3-butadiene, which led to the failure of the DDE-715 Heat Exchanger. Since this emissions event could have been avoided by better maintenance and operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 95/PSD-TX-854-M2 Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,000</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent emission events due to the same causes as those that resulted in Incident No. 125338; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): BL0002S



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Oct-2009	Screening	26-Oct-2009	EPA Due	
	PCW	4-Nov-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	INEOS USA LLC		
Reg. Ent. Ref. No.	RN100238708		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38595	No. of Violations	1
Docket No.	2009-1737-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **311.0%** Enhancement *Subtotals 2, 3, & 7* **\$7,775**

Notes: Penalty adjustment due to 11 previous similar NOV's, 11 previous non-similar NOV's, eight previous 1660-style agreed orders, three previous Findings orders, and one NOI.

Culpability **No** **0.0%** Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$0**

Economic Benefit **0.0%** Enhancement *Subtotal 6* **\$0**

Total EB Amounts **\$134**
 Approx. Cost of Compliance **\$2,500**
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$10,275**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$10,275**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$10,000**

DEFERRAL **20.0%** Reduction Adjustment **-\$2,000**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$8,000**

Screening Date 26-Oct-2009

Docket No. 2009-1737-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 38595

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator James Nolan

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)	11	55%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
	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	3	75%
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)	1	-1%
	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%
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) 311%

>> 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

Penalty adjustment due to 11 previous similar NOV's, 11 previous non-similar NOV's, eight previous 1660-style agreed orders, three previous Findings orders, and one NOI.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 311%

Screening Date 28-Oct-2009

Docket No. 2009-1737-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 38595

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) 116.715(a), Flexible Permit No. 95/PSD-TX-854-M2 Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,813 pounds of 1,3-butadiene from the Olefins 2 Cooling Tower (Emission Point Number DAT-3201) during an avoidable emissions event (Incident No. 125338) that began June 9, 2009 and lasted eight hours and one minute. The unauthorized release was the result of the polymerization of 1,3-butadiene, which led to the failure of the DDE-715 Heat Exchanger. Since this emissions event could have been avoided by better maintenance and operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event date of June 9, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
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 \$134

Violation Final Penalty Total \$10,275

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 38595
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	9-Jun-2009	5-Jul-2010	1.07	\$134	n/a	\$134

Notes for DELAYED costs

Estimated cost of changes to operational and maintenance policies and procedures to include adequate purging of debris during heat exchanger startups and to minimize oxygen ingress into cooling water to prevent future emissions events. The date required is the date of the emissions event and the final date is the expected 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

\$2,500

TOTAL

\$134

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602817884 INEOS USA LLC	Classification: AVERAGE	Rating: 2.82
Regulated Entity:	RN100238708 CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 5.97
ID Number(s):			

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S
AIR OPERATING PERMITS	PERMIT	1353
AIR OPERATING PERMITS	PERMIT	2327
WASTEWATER	PERMIT	WQ0001333000
WASTEWATER	PERMIT	TPDES0004821
WASTEWATER	PERMIT	TX0004821
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	12999
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200132
UNDERGROUND INJECTION CONTROL	PERMIT	5D0400007
AIR NEW SOURCE PERMITS	PERMIT	53419
AIR NEW SOURCE PERMITS	PERMIT	95
AIR NEW SOURCE PERMITS	PERMIT	101
AIR NEW SOURCE PERMITS	REGISTRATION	75608
AIR NEW SOURCE PERMITS	REGISTRATION	12953
AIR NEW SOURCE PERMITS	REGISTRATION	53419
AIR NEW SOURCE PERMITS	REGISTRATION	75399
AIR NEW SOURCE PERMITS	REGISTRATION	10465
AIR NEW SOURCE PERMITS	REGISTRATION	10906
AIR NEW SOURCE PERMITS	REGISTRATION	11060
AIR NEW SOURCE PERMITS	REGISTRATION	11539
AIR NEW SOURCE PERMITS	REGISTRATION	12136
AIR NEW SOURCE PERMITS	REGISTRATION	12709
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0002S
AIR NEW SOURCE PERMITS	AFS NUM	4803900014
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854
AIR NEW SOURCE PERMITS	PERMIT	488A
AIR NEW SOURCE PERMITS	PERMIT	491A
AIR NEW SOURCE PERMITS	PERMIT	1041
AIR NEW SOURCE PERMITS	PERMIT	2798
AIR NEW SOURCE PERMITS	PERMIT	4882
AIR NEW SOURCE PERMITS	PERMIT	7198
AIR NEW SOURCE PERMITS	PERMIT	19668
AIR NEW SOURCE PERMITS	PERMIT	35735
AIR NEW SOURCE PERMITS	PERMIT	46192
AIR NEW SOURCE PERMITS	PERMIT	48637
AIR NEW SOURCE PERMITS	REGISTRATION	71820
AIR NEW SOURCE PERMITS	REGISTRATION	74968
AIR NEW SOURCE PERMITS	REGISTRATION	76394
AIR NEW SOURCE PERMITS	EPA ID	PSDTX793
AIR NEW SOURCE PERMITS	EPA ID	PSDTX983
AIR NEW SOURCE PERMITS	REGISTRATION	76826
AIR NEW SOURCE PERMITS	REGISTRATION	76401
AIR NEW SOURCE PERMITS	EPA ID	PSDTX642
AIR NEW SOURCE PERMITS	REGISTRATION	78501
AIR NEW SOURCE PERMITS	REGISTRATION	78483
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854M2
AIR NEW SOURCE PERMITS	REGISTRATION	87813
WATER LICENSING	LICENSE	0200132
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30042
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50121
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50121
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30042
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50121
COMPLIANCE PLANS		
INDUSTRIAL AND HAZARDOUS WASTE POST	PERMIT	50121

Location:

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: October 26, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 26, 2004 to October 26, 2009

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

Name: James Nolan Phone: (512) 239-6634

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? INEOS USA LLC
4. If Yes, who was/were the prior owner(s)/operator(s) ?
INEOS USA LLC
BP Amoco Chemical Comj
5. When did the change(s) in owner or operator occur?
04/25/2005 BP Amoco Chemical Company
06/01/2005 INEOS USA LLC
6. Rating Date: 9/1/2009 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.

Effective Date: 08/28/2006 ADMINORDER 2006-0242-AIR-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)
Rqmt Prov: Air Permit #92/PSD-TX-854, S.C.#1 PA
Description: Failed to prevent unauthorized emissions during a April 14, 2005 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 A 382.085(b)
Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA
Description: Failed to prevent unauthorized emissions during a May 29, 2005 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 A 382.085(b)
Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA
Description: Failed to prevent unauthorized emissions during a July 5, 2005 emissions event.
Effective Date: 11/03/2006 ADMINORDER 2006-0469-AIR-E
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt 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)
Rqmt 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)

Rqmt 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 ADMINORDER 2006-1893-AIR-E

Classification: Moderate

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

Rqmt 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)

Rqmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 11/19/2007 ADMINORDER 2004-0891-AIR-E

Classification: Major

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

Rqmt 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)

Rqmt 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)

Rqmt 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)

Rqmt 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

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: 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)

Rqmt Prov: No. 95 PERMIT

Description: Failed to control unauthorized emissions during Incident No. 63863 and No. 63864.

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 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)

Rqmt 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)

Rqmt 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)

Rqmt Prov: No. 95, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Effective Date: 04/03/2008 ADMINORDER 2007-1325-PWS-E

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

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 first quarter of 2007.

Effective Date: 07/21/2008 ADMINORDER 2008-0266-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 95, Special Condition 1 PERMIT
Description: Failed to prevent the interruption of dimethylsulfide supply to dilution steam.

Effective Date: 11/17/2008 ADMINORDER 2008-0800-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)

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

Rqmt Prov: General Condition No. 11 PERMIT
Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 03/12/2009 ADMINORDER 2008-1561-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent rupture of Tank AF4601B roof seals.

Effective Date: 07/20/2009 ADMINORDER 2009-0292-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: INEOS failed to prevent an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: INEOS failed to prevent an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent the unauthorized release of 2,739 lbs of ethylene, 93 lbs of 1,3-butadiene, 303 lbs of propylene, 1,119 lbs nitrogen oxides, 5,701 lbs carbon monoxide, and 527 lbs of other volatile organic compounds (VOCs). This was caused by a malfunction of a level controller on the feed drum separator to a demethanizer column.

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	11/08/2004	(336528)
2	11/08/2004	(337000)
3	11/23/2004	(351993)
4	12/11/2004	(335356)
5	12/11/2004	(335371)
6	12/11/2004	(341906)
7	12/13/2004	(333505)
8	12/13/2004	(336245)
9	12/13/2004	(337068)
10	12/13/2004	(338522)
11	12/15/2004	(337091)
12	12/16/2004	(341903)
13	12/17/2004	(337094)
14	12/20/2004	(342723)
15	12/22/2004	(381804)
16	12/28/2004	(277182)
17	12/28/2004	(287065)
18	12/28/2004	(288451)
19	01/05/2005	(287246)
20	01/06/2005	(337406)
21	01/07/2005	(287050)
22	01/07/2005	(288575)
23	01/07/2005	(341099)
24	01/07/2005	(343281)
25	01/10/2005	(286887)
26	01/17/2005	(286916)
27	01/20/2005	(381805)
28	02/04/2005	(338314)
29	02/22/2005	(381802)
30	03/21/2005	(381803)
31	04/22/2005	(419633)
32	04/26/2005	(372080)
33	05/18/2005	(374942)
34	05/19/2005	(419634)
35	05/20/2005	(392949)
36	06/20/2005	(419635)
37	07/13/2005	(440766)
38	07/15/2005	(399321)
39	08/10/2005	(404141)
40	08/13/2005	(404828)
41	08/18/2005	(404361)
42	08/19/2005	(440767)
43	08/24/2005	(404609)
44	08/24/2005	(406770)
45	08/29/2005	(407005)
46	08/30/2005	(418277)
47	09/08/2005	(337658)
48	09/08/2005	(372077)
49	09/08/2005	(375408)
50	09/16/2005	(440768)
51	09/21/2005	(431548)
52	10/10/2005	(432962)
53	10/13/2005	(440769)
54	10/13/2005	(440770)
55	11/03/2005	(431679)
56	11/18/2005	(468323)
57	12/05/2005	(397651)

58 12/20/2005 (468322)
59 12/20/2005 (468324)
60 01/12/2006 (451532)
61 01/12/2006 (451560)
62 01/26/2006 (437271)
63 01/26/2006 (437342)
64 01/26/2006 (438227)
65 01/27/2006 (451469)
66 02/15/2006 (468321)
67 02/16/2006 (436530)
68 02/24/2006 (436700)
69 02/24/2006 (450737)
70 02/24/2006 (450766)
71 02/24/2006 (450771)
72 02/24/2006 (454384)
73 02/27/2006 (440360)
74 02/27/2006 (449481)
75 02/27/2006 (450755)
76 02/28/2006 (333721)
77 02/28/2006 (435662)
78 02/28/2006 (43776)
79 02/28/2006 (450756)
80 03/17/2006 (488116)
81 03/20/2006 (438702)
82 03/20/2006 (454973)
83 03/20/2006 (454984)
84 04/19/2006 (449649)
85 04/21/2006 (456117)
86 04/24/2006 (459777)
87 04/24/2006 (460166)
88 04/24/2006 (460197)
89 04/28/2006 (453217)
90 05/04/2006 (462911)
91 05/09/2006 (453215)
92 05/10/2006 (451219)
93 05/15/2006 (454640)
94 05/16/2006 (456116)
95 05/17/2006 (462063)
96 05/19/2006 (453213)
97 06/19/2006 (456119)
98 06/30/2006 (482249)
99 07/06/2006 (485562)
100 07/07/2006 (483768)
101 07/07/2006 (483977)
102 07/07/2006 (484327)
103 07/17/2006 (496120)
104 07/21/2006 (484894)
105 07/21/2006 (486159)
106 07/27/2006 (465816)
107 08/09/2006 (375409)
108 08/16/2006 (520130)
109 09/01/2006 (488185)
110 09/01/2006 (488258)
111 09/01/2006 (488259)
112 09/01/2006 (488316)
113 09/01/2006 (488416)
114 09/01/2006 (488461)
115 09/01/2006 (488482)
116 09/01/2006 (489156)
117 09/01/2006 (497259)
118 10/10/2006 (511470)
119 10/10/2006 (514525)
120 10/12/2006 (520131)
121 10/17/2006 (515418)

122	11/08/2006	(544398)
123	11/17/2006	(544397)
124	11/27/2006	(455008)
125	12/06/2006	(518260)
126	12/12/2006	(544399)
127	12/19/2006	(532142)
128	01/12/2007	(544400)
129	01/16/2007	(534803)
130	01/17/2007	(567358)
131	02/07/2007	(544396)
132	02/22/2007	(437530)
133	02/23/2007	(437902)
134	02/26/2007	(489773)
135	02/26/2007	(541487)
136	02/28/2007	(541747)
137	03/12/2007	(575151)
138	03/13/2007	(455785)
139	03/22/2007	(541397)
140	03/23/2007	(460443)
141	04/03/2007	(461307)
142	04/09/2007	(541411)
143	04/11/2007	(461770)
144	04/13/2007	(532653)
145	04/16/2007	(575152)
146	05/03/2007	(554914)
147	05/10/2007	(555702)
148	05/18/2007	(568214)
149	05/18/2007	(575153)
150	05/18/2007	(652283)
151	05/21/2007	(511619)
152	05/25/2007	(560317)
153	06/06/2007	(562013)
154	06/11/2007	(575154)
155	06/25/2007	(564693)
156	07/11/2007	(454997)
157	07/12/2007	(575155)
158	07/19/2007	(567658)
159	07/23/2007	(566724)
160	07/23/2007	(567132)
161	07/30/2007	(568409)
162	08/07/2007	(575156)
163	08/10/2007	(562140)
164	08/10/2007	(563070)
165	08/10/2007	(652667)
166	08/31/2007	(565801)
167	09/18/2007	(607523)
168	09/18/2007	(607524)
169	09/19/2007	(570290)
170	09/19/2007	(574167)
171	09/28/2007	(565477)
172	10/04/2007	(565852)
173	10/04/2007	(565854)
174	10/10/2007	(565963)
175	10/10/2007	(565967)
176	10/10/2007	(566452)
177	10/10/2007	(566839)
178	10/10/2007	(566915)
179	10/11/2007	(566941)
180	10/11/2007	(566955)
181	10/18/2007	(569974)
182	10/19/2007	(566487)
183	10/19/2007	(566879)
184	11/06/2007	(600100)
185	11/08/2007	(619477)

186	11/09/2007	(594021)
187	11/09/2007	(594251)
188	11/09/2007	(594360)
189	11/09/2007	(594738)
190	11/13/2007	(574346)
191	11/15/2007	(653032)
192	11/16/2007	(594670)
193	11/16/2007	(594676)
194	11/16/2007	(594681)
195	11/19/2007	(594880)
196	11/26/2007	(569887)
197	11/26/2007	(570225)
198	11/27/2007	(570543)
199	12/04/2007	(566947)
200	12/05/2007	(619478)
201	12/06/2007	(710683)
202	12/20/2007	(599302)
203	01/02/2008	(599612)
204	01/03/2008	(611841)
205	01/08/2008	(600585)
206	01/10/2008	(609407)
207	01/18/2008	(611544)
208	01/25/2008	(609712)
209	02/08/2008	(600663)
210	02/08/2008	(609244)
211	02/08/2008	(609996)
212	02/08/2008	(610061)
213	02/08/2008	(610221)
214	02/08/2008	(610485)
215	02/08/2008	(611533)
216	02/08/2008	(611999)
217	02/08/2008	(612004)
218	02/08/2008	(612681)
219	02/08/2008	(652096)
220	02/13/2008	(671984)
221	02/15/2008	(618820)
222	02/20/2008	(570269)
223	03/06/2008	(636901)
224	03/06/2008	(671985)
225	03/10/2008	(597253)
226	03/13/2008	(614947)
227	03/18/2008	(615544)
228	03/18/2008	(615545)
229	03/18/2008	(615556)
230	03/18/2008	(615557)
231	03/26/2008	(671987)
232	03/31/2008	(616611)
233	03/31/2008	(616733)
234	04/04/2008	(618108)
235	04/07/2008	(671986)
236	04/21/2008	(639800)
237	05/07/2008	(654421)
238	05/09/2008	(637781)
239	05/12/2008	(689902)
240	05/16/2008	(639937)
241	05/16/2008	(639984)
242	05/16/2008	(640018)
243	05/23/2008	(640200)
244	06/10/2008	(689903)
245	06/26/2008	(683110)
246	06/27/2008	(684063)
247	06/30/2008	(671377)
248	06/30/2008	(671397)
249	07/07/2008	(641626)

250	07/15/2008	(681456)
251	07/28/2008	(687476)
252	08/14/2008	(688668)
253	08/19/2008	(687694)
254	08/22/2008	(687895)
255	08/29/2008	(701306)
256	09/05/2008	(710684)
257	09/23/2008	(710685)
258	09/23/2008	(710687)
259	10/21/2008	(682299)
260	10/27/2008	(657228)
261	10/28/2008	(685844)
262	10/29/2008	(636605)
263	11/10/2008	(700448)
264	11/10/2008	(705593)
265	11/10/2008	(710686)
266	12/10/2008	(727445)
267	12/10/2008	(727446)
268	02/03/2009	(722657)
269	02/03/2009	(750205)
270	02/05/2009	(722823)
271	02/05/2009	(722848)
272	02/10/2009	(726338)
273	02/20/2009	(689406)
274	02/20/2009	(689422)
275	02/27/2009	(724203)
276	03/04/2009	(750206)
277	03/18/2009	(738007)
278	03/18/2009	(738050)
279	04/01/2009	(750208)
280	04/08/2009	(750207)
281	04/18/2009	(741058)
282	04/24/2009	(737309)
283	04/27/2009	(737963)
284	05/05/2009	(739628)
285	05/05/2009	(739755)
286	05/15/2009	(737333)
287	05/15/2009	(742437)
288	05/15/2009	(742470)
289	05/15/2009	(742611)
290	05/15/2009	(768312)
291	06/09/2009	(739816)
292	06/09/2009	(768313)
293	06/30/2009	(746227)
294	07/16/2009	(748313)
295	07/16/2009	(748315)
296	07/27/2009	(725190)
297	08/07/2009	(741172)
298	08/14/2009	(749587)
299	08/17/2009	(764639)
300	08/20/2009	(724204)
301	08/20/2009	(766649)
302	09/02/2009	(760233)
303	09/02/2009	(760551)
304	09/02/2009	(761259)
305	09/03/2009	(761249)
306	09/03/2009	(761268)
307	09/18/2009	(763553)
308	09/28/2009	(762141)
309	09/28/2009	(763026)
310	09/30/2009	(764855)
311	09/30/2009	(764874)
312	10/01/2009	(765567)
313	10/08/2009	(766406)

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

Date: 12/28/2004 (288451) CN602817884
Self NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
5419, SC 1 PA
Description: Failure to meet demonstration criteria.

Date: 01/05/2005 (287246) CN602817884
Self NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
95, Special Condition No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.

Date: 06/13/2005 (418277) CN602817884
Self NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, No. 3 PERMIT
Description: Failure to comply with chlorine residual limits for the discharge from the domestic sewage facility.

Self NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to analyze chlorine residual samples within hold time.

Date: 07/15/2005 (399321) CN602817884
Self NO Classification: Moderate
Citation: 19868 SC No. 7E PA
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Description: Failure to plug the open-ended lines.

Self NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
35735 SC No. 3 PA
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
Description: Failure to maintain net heating value of flare header to a minimum value of 300 Btu/Scf.

Self NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
Description: Failure to comply with 30 TAC 117.206(i) by operating the emergency generator between the hours of 6:00 AM and Noon.

Self NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.136(b)
Description: Failure to Include PP-1 powder baghouse and vent CM-1307 in the title V permit within 60 days upon discovery.

Self NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)
Description: Failure to conduct extraordinary attempts to repair leaking valves within seven days.

Self NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5419 SC No. 3 PA
Description: Failure to avoid visible emissions from flare for more than five minutes in any two hour period.

Date: 08/31/2005 (440768) CN602817884
Self YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/05/2005 (397651) CN602817884
Self NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Permit # 95 Special Condition 28E PERMIT
Description: Failure to seal three open ended lines.

Description:

Date: 04/28/2006 (453217) CN602817884
 Self Report? NO Classification: Moderate
 Citation: Permit No. 19868, Special Condition 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 19868 for the Flare.

Date: 01/17/2007 (567358) CN602817884
 Self Report? NO 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.

Date: 05/18/2007 (652283) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES

Date: 05/18/2007 (568214) CN602817884
 Self Report? NO 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 first quarter of 2007.

Date: 08/10/2007 (652667) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES

Date: 08/31/2007 (565801) CN602817884
 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)
 FOP #O-01353, Special Condition #1A OP
 FOP #O-01353, Special Condition #6 OP
 Permit #19868, Special Condition #5E PERMIT
 Permit #35735, Special Condition #8E PERMIT
 Permit #5419, Special Condition #8E PERMIT
 Description: Failure to seal open-ended lines in a VOC service.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP # O-01353, Special Condition #1A OP
 FOP # O-01353, Special Condition #6 OP
 Permit #19868, Special Condition #8D PERMIT
 Permit #35735, Special Condition #4 PERMIT
 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)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18(c)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP #O-01353, Special Condition #1A OP
 FOP #O-01353, Special Condition #6 OP
 Permit #35735, Special Condition #3 PERMIT
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP #O-01353, Special Condition #6 OP
 Permit #35735, Special Condition #4 PERMIT
 Description: Failure to prevent flare monitoring data for vent flow rate lost due to parametric meter malfunction.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include in four previous deviation reports (May 2005 to October 2006) their failure to submit semi-annual reports of non-repairable HRVOC fugitive emission components to TCEQ Houston Region Office.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(I)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to prevent extraordinary repair attempt not completed within 30 days of leak detection for valve in HRVOC service (leaking <10,000 ppmv).

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 emissions components that were non-repairable (i.e. placed on delay of repair) to the TCEQ and local agency semi-annually as required until the report covering the period ending December 31, 2006.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to collect samples for total VOC analysis while Polypropylene Unit #2 cooling tower analyzer was out of calibration.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to prevent stationary diesel emergency engine tested between 6 am and 12 noon.

Date: 09/30/2007 (607523) CN602817884
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/15/2007 (653032) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES

Date: 02/08/2008 (652098) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES

Date: 04/04/2008 (618108) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 No. 95, Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions due to operator error.

Date: 07/15/2008 -681456 CN602817884
 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 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 8B PERMIT
 Description: Failed to prevent the loss of flame at the flare.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.

Date: 08/22/2008 (687895) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT
 Description: Failure to prevent flare malfunction.

Self Report? NO Classification: Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.16(c)(2) Special Condition #8.B PERMIT	
Description:	Failure to prevent the loss of flame on the flare.	
Date:	10/31/2008 (710686)	CN602817884
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2008 -636605	CN602817884
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2)(C) 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(II) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(d)(2) 5C THSC Chapter 382 382.085(b) STC 1A OP	
Description:	Failure to repair four leaking pumps.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP	
Description:	Failed to repair leaking components within 15 days.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.786(c) 5C THSC Chapter 382 382.085(b)	
Description:	Failure to submit HRVOC Delay of Repair report.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(I) 5C THSC Chapter 382 382.085(b)	
Description:	Failure to conduct Extra-Ordinary Efforts.	
Self Report?	NO	Classification: Minor
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 Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1) 5C THSC Chapter 382 382.085(b) SC 34E PA STC 19 PA	
Description:	Failure to seal open ended lines.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 35F PA STC 19 OP	
Description:	Failure to conduct fugitive monitoring on 216 valves.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP	
Description:	Failure to verify leak repairs.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.788(c) 5C THSC Chapter 382 382.085(b)	
Description:	Failure to provide 30 day notification prior to HRVOC Audit.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 13 PA STC 19 OP	
Description:	Failure to maintain hourly NOX emissions within limits.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)	

	STC 1HI OP	
Description:	Failure to maintain flare analyzer downtime to less than 5%.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(2) 5C THSC Chapter 382 382.085(b)	
Description:	Failure to maintain ammonia emissions less than 10 ppmv.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP	
Description:	Failure to maintain ammonia emissions within the MAERT.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.340(d) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP	
Description:	Failure to monitor ammonia slip.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(ii) 5C THSC Chapter 382 382.085(b) SC 11A PA STC 1A OP	
Description:	Failure to maintain flare exit velocity less than Vmax.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3) 5C THSC Chapter 382 382.085(b) SC 11A PA STC 1A OP	
Description:	Failure to maintain net heating content greater than 300 Btu/scf.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.335(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP	
Description:	Failure to test engine within 60 days.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.310(c)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP	
Description:	Failure to maintain CO emissions less than 400 ppmv.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP	
Description:	Failure to maintain firing rates within limits.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 4B PA STC 19 OP	
Description:	Failure to maintain boiler firing rate less than 388 mm:btu/hr.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	

	5C THSC Chapter 382 382.085(b) SC 49 PA STC 19 OP		
Description:	Failure to record vent stream flow to 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) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP		
Description:	Failure to maintain CO emissions within the MAERT.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 3AI OP		
Description:	Failure to prevent visible emissions from stationary vents.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038(c)(2)(I) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to maintain records of Audio, Visual, Olfactory (AVO) inspections.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 38 PA STC 19 OP		
Description:	Failure to record time during ammonia AVO inspections		
Self Report?	NO	Classification:	Minor
Citation:	1A OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 3 PA		
Description:	Failure to maintain NOx emissions within limits		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.345(b)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to submit PEMS RATA notification within 15 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.310(f) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 7A OP		
Description:	Failure to prevent engine testing between 6 am and 12 noon.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 2F OP		
Description:	Failure to submit Emission Event reports to local programs.		
Date:	11/10/2008 -700448 CN602817884		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT		
Description:	Failure to prevent unauthorized emissions.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THSC Chapter 382 382.085(b) Special Condition #11.B PERMIT		
Description:	Failed to prevent the loss of flame on the flare.		

Date: 04/27/2009 -737963

CN602817884

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event.

F. Environmental audits.

Notice of Intent Date: 09/08/2005 (435727)
No DOV Associated

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.

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**

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§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1737-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 two miles south of the intersection of Farm-to-Market Road 2917 and 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 September 27, 2009.
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 Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Two Thousand

Dollars (\$2,000) is deferred 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 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.
10. 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.
11. 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 §§ 101.20(3) and 116.715(a), Flexible Permit No. 95/PSD-TX-854-M2 Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 9, 2009. Specifically, the Respondent released 1,913 pounds of 1,3-butadiene from the Olefins 2 Cooling Tower (Emission Point Number DAT-3201) during an avoidable emissions event (Incident No. 125338) that began June 9, 2009 and lasted eight hours and one minute. The unauthorized release was the result of the polymerization of 1,3-butadiene, which led to the failure of the DDE-715 Heat Exchanger. Since this emissions event could have been avoided by better maintenance and operational practices, 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").

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. 2009-1737-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

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

- a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent emission events due to the same causes as those that resulted in Incident No. 125338; and
- b. 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 fines 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 78711-3087

with a copy to:

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

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.
6. 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 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.
8. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdelin

For the Executive Director

2/25/2010

Date

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
- TCEQ seeking other relief as authorized by law.

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

John Harvey III

Signature

1/07/10

Date

John Harvey

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.

