

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2010-1059-AIR-E TCEQ ID: RN100238708 CASE NO.: 39952**  
**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 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chocolate Bayou Plant, on Farm-to-Market Road 2004, two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004, Alvin, Brazoria County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</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 are four additional pending enforcement actions regarding this facility location, Docket Nos. 2010-1421-AIR-E, 2010-0507-AIR-E, 2008-1816-AIR-E, and 2007-1279-AIR-E.</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 January 17, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  <b>TCEQ Enforcement Coordinator:</b> Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Ms. Theresa Vitek, Environmental, Health, &amp; Safety Manager, INEOS USA LLC, P. O. Box 1488, Alvin, Texas 77536  Mr. John Harvey III, Site Manager, INEOS USA LLC, P. O. Box 1488, Alvin, Texas 77536  <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 checked="" 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> March 2 and 18, April 6, May 25, and June 11 and 22, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 28, June 10 and 23, and July 9 and 14, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review and a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failed to prevent unauthorized emissions of 39,119 pounds ("lbs") of volatile organic compounds ("VOC"), including 28,206 lbs of ethylene, 4,814 lbs of propylene, and 1,919 lbs of 1,3-butadiene; 39,938 lbs of carbon monoxide ("CO"); and 7,836 lbs of nitrogen oxides ("NOx") from the No. 2 Olefins Flare during an emissions event beginning on January 15, 2010 and lasting 33 hours (Incident No. 134543). The event began when the DDC-201 cracked gas compressor tripped for an undetermined cause. Because of inadequate communication between shifts, operators made some adjustments to valve positions after a shift change 10 hours into the event causing the DDC-502 propylene refrigeration compressor and DDC-501 ethylene refrigeration compressor to trip, thereby increasing the incident duration and corresponding emissions. Because the emissions were increased due to poor operating practices during the event, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 Special Condition No. ("SC") 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$70,000</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> \$35,000</p> <p><b>Total Paid to General Revenue:</b> \$35,000</p> <p><b>Compliance History Classifications:</b>                      Person/CN - Average                      Site/RN - Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b>                      Unauthorized emissions which have been deemed excessive.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. To prevent the recurrence of the January 15, 2010 emissions event (Incident No. 134543):</p> <p>i. On January 16, 2010, replaced the Tricon 6 Module card;</p> <p>ii. On January 22, 2010, replaced the "stop button," and</p> <p>iii. On April 20, 2010, developed a system to ensure documentation and periodic review of all faults on the Triconex modules.</p> <p>b. To prevent the recurrence of the January 28, 2010 excessive emissions event (Incident No. 135112), on July 28, 2010, submitted a Corrective Action Plan ("CAP");</p> <p>c. To prevent the recurrence of the February 6, 2010 emissions event (Incident No. 135522), on July 2, 2010, the incident was reviewed in shift tailgate meetings, stressing the importance of conforming to Standard Operating Procedures ("SOP");</p> <p>d. To prevent the recurrence of the March 31, 2010 event (Incident No. 137806), by April 30, 2010, changed the air supply control valves to needle-type valves which cannot be accidentally closed and changed the air filters on DC-201 and DC-502 compressors to filters with a smaller micron rating; and</p> <p>e. To prevent the recurrence of the April 10, 2010 event (Incident No. 138184), by June 30, 2010, implemented a new SOP that requires all reworked tubing lines to be pressure tested before putting back into service.</p>

<p>2) Failed to prevent the DDC-502 propylene refrigeration compressor from tripping and the unauthorized release of 29,559 lbs of VOC, including 24,935 lbs of ethylene and 2,825 lbs of propylene, 32,452 lbs of CO, and 6,373 lbs of NO<sub>x</sub> from the No. 2 Olefins Flare during an emissions event (Incident No. 135112) which began on January 28, 2010 and lasted 22 hours and 48 minutes. Also for 13 hours during the event, the flare released more than 1,200 lbs of Highly Reactive VOC ("HRVOC") per one-hour block period with a maximum release of 1,797.69 lbs of HRVOC from 6:00 a.m. to 7:00 a.m. on January 29, 2010. This event was determined to be excessive [30 TEX. ADMIN. CODE §§ 115.722(c)(2) and 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failed to prevent the overfilling of a railcar which resulted in the release of unauthorized emissions of 2,763 lbs of VOC, 294 lbs of CO, 58 lbs of NO<sub>x</sub> from relief valves and the No. 1 Olefins flare on February 6, 2010 during an emissions event (Incident No. 135522) lasting one hour and 40 minutes. While two railcars were being loaded simultaneously, the operator made an incorrect assessment about the time necessary to complete loading and left a vent on the railcar open that should have been closed. Soon after the flow to the first railcar was stopped, the second one overfilled. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failed to prevent the loss of power to the No. 3 Polypropylene ("PP3") Unit which resulted in the release of unauthorized emissions of 115.15 lbs of ethylene, 694.50 lbs of propylene, 66.36 lbs of NO<sub>x</sub>, and 336.97 lbs of CO from the PP3 Flare during an emissions event which began on March 13, 2010 and lasted three hours and 33 minutes (Incident No. 137002). Also during the event, the flame on flare went out for one minute. The power loss was caused by the stator windings for the cooling tower pump failing due to inadequate maintenance. Because the event could have been avoided by</p>		<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The order will also require the Respondent to:</p> <p>a. For the January 28, 2010 excessive emissions event (Incident No. 135112) to prevent recurrence:</p> <p>i. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted in connection with the excessive emission events within 15 days after the date of such requests, or by any other deadline specified in writing;</p> <p>ii. Upon Commission approval, implement the CAP in accordance with the approved schedule; and</p> <p>iii. Within 15 days upon completion of the CAP implementation, submit written certification of compliance as described in Ordering Provision d.</p> <p>b. For the February 6, 2010 emissions event (Incident No. 135522) to prevent the recurrence of overfilling railcars:</p> <p>i. Within 30 days after the effective date of this Agreed Order, complete the revisions to the SOP for railcar loading;</p> <p>ii. Within 45 days after the effective date of this Agreed Order, complete operator training for the revised SOP for railcar loading; and</p> <p>iii. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions b.i. and b.ii., as described in Ordering Provision d.</p> <p>c. For the March 13, 2010 emissions event (Incident No. 137002) to prevent the recurrence of a motor ground fault, within 180 days after the effective date of this Agreed Order:</p> <p>i. Install on-line predictive motor test equipment for periodic motor testing and analysis;</p>
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<p>better maintenance practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(1) and 116.115(c), Permit No. 19868 SC 1 and 8.B., 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5) Failed to prevent the loss of air supply to the steam extraction rack that led to the DC-201 cracked gas compressor tripping and unauthorized emissions of 2,682 lbs of VOC, including 884 lbs of ethylene, 158 lbs of 1,3 butadiene, and 1,286 lbs of propylene; 327 lbs of NO<sub>x</sub>; and 2,459 lbs of CO from the No. 1 Olefins Flare during an emissions event which began on March 31, 2010 and lasted six hours (Incident No. 137806). The event was caused by a contractor accidentally closing the instrument air supply valve while removing insulation from the DC-201 turbine housing. Because the event could have been avoided by better design and operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>6) Failed to properly tighten the seal flush tubing connection to the DDG-411AN propylene product pump after pump maintenance which resulted in unauthorized emissions of 769 lbs of propylene on April 10, 2010 during an emissions event lasting five minutes, (Incident No. 138184). Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		<p>ii. Revise Preventative Maintenance guidelines given to contractors to include expected trip values and time delays;</p> <p>iii. Review the plant electrical model compared to field settings, updating and adjusting the model to reflect actual data if necessary, coordinating unit motor relay settings with upstream relays, and adjusting field device settings to reflect changes;</p> <p>iv. Install digital motor protection on critical motor loads on the Motor Control Center in the PP3 Unit in order to increase motor protection as well as to enhance trending and event reporting, and</p> <p>v. Submit written certification of compliance with Ordering Provisions c.i. through c.iv., as described in Ordering Provision d.</p> <p>d. The written certifications required by Ordering Provisions a.iii., b.iii., and c.v. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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Additional ID No(s): AIR BLO002S

**Attachment A**  
**Docket Number: 2010-1059-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** INEOS USA LLC

**Penalty Amount:** Seventy Thousand Dollars (\$70,000)

**SEP Offset Amount:** Thirty-Five Thousand Dollars (\$35,000)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Brazoria County – Brazoria County Vehicle and Equipment Program

**Location of SEP:** Brazoria County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by **Brazoria County** for the ***Brazoria County Vehicle and Equipment Program*** as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

Retirement of Vehicles. The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be

destroyed. The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

**b. Environmental Benefit**

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

**c. Minimum Expenditure**

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Brazoria County Parks Department  
313 W. Mulberry  
Angleton, Texas 77155

**3. Records and Reporting**

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Attachment A**  
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destroyed. The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping by an authorized vehicle dismantler for all retired vehicles and equipment.

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Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

**b. Environmental Benefit**

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

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**7. Other SEPs by TCEQ or Other Agencies**

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

## DATES

Assigned PCW	1-Jun-2010	Screening	24-Jun-2010	EPA Due	20-Mar-2011
	2-Aug-2010				

## 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.	39952	No. of Violations	6
Docket No.	2010-1059-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

## 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: Enhancement for nine same/similar NOVs, 11 dissimilar NOVs, 10 orders with denial, and four orders without denial. Reduction for two NOIs.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$6,801	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$76,400	

**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

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 24-Jun-2010

Docket No. 2010-1059-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 39952

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	9	45%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	10	200%
	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	4	100%
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> )	2	-2%
	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%
<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)** 365%

#### >> 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**

Enhancement for nine same/similar NOVs, 11 dissimilar NOVs, 10 orders with denial, and four orders without denial. Reduction for two NOIs.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 365%

Screening Date 24-Jun-2010

Docket No. 2010-1059-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 39952

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Permit No. 95 Special Condition No. ("SC") 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions of 39,119 pounds ("lbs") of volatile organic compounds ("VOC"), including 28,206 lbs of ethylene, 4,814 lbs of propylene, and 1,919 lbs of 1,3-butadiene; 39,938 lbs of carbon monoxide ("CO"); and 7,836 lbs of nitrogen oxides ("NOx") from the No. 2 Olefins Flare during an emissions event beginning on January 15, 2010 and lasting 33 hours (Incident No. 134543). The event began when the DDC-201 cracked gas compressor tripped for an undetermined cause. Because of inadequate communication between shifts, operators made some adjustments to valve positions after a shift change 10 hours into the event causing the propylene refrigeration compressor and DDC-501 ethylene refrigeration compressor to trip, thereby increasing the incident duration and corresponding emissions. Because the quantity and duration of the emissions were increased due to poor operating practices during the event, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$20,000

Two daily events are recommended for the emissions event which began on January 15, 2010 and lasted 33 hours.

Good Faith Efforts to Comply

25.0% Reduction

\$5,000

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The corrective actions were completed on April 20, 2010 and the NOE was issued on July 9, 2010.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$88,000

This violation Final Assessed Penalty (adjusted for limits) \$20,000

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 39952  
**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
No commas or \$							

**Delayed Costs**

Equipment	\$500	15-Jan-2010	22-Jan-2010	0.02	\$0	\$1	\$1
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)	\$500	15-Jan-2010	20-Apr-2010	0.26	\$7	n/a	\$7

Notes for DELAYED costs

The estimated cost for replacing defective equipment and developing a system to ensure the documentation and periodic review of all faults on the Trionex modules from the start date of the violation to the date corrective actions were completed.

**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**

\$7

**Screening Date** 24-Jun-2010  
**Respondent** INEOS USA LLC  
**Case ID No.** 39952

**Docket No.** 2010-1059-AIR-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100238708

**Media [Statute]** Air

**Enf. Coordinator** Miriam Hall

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 115.722(c)(2) and 116.715(a), Permit No. 95 SC 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent the DDC-502 propylene refrigeration compressor from tripping and the unauthorized release of 29,559 lbs of VOC, including 24,935 lbs of ethylene and 2,825 lbs of propylene, 32,452 lbs of CO, and 6,373 lbs of NOx from the No. 2 Olefins Flare during an emissions event (Incident No. 135112) which began on January 28, 2010 and lasted 22 hours and 48 minutes. Also for 13 hours during the event, the flare released more than 1,200 lbs of Highly Reactive VOC ("HRVOC") per one-hour block period with a maximum release of 1,797.69 lbs of HRVOC from 6:00 a.m. to 7:00 a.m. on January 29, 2010. This event was determined to be excessive.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$0

\$10,000

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$10,000

One daily event is recommended for the emissions event which began on January 28, 2010 and lasted 22 hours and 48 minutes.

**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** \$10,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$182

**Violation Final Penalty Total** \$46,500

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

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 39952  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	28-Jan-2010	14-Jul-2011	1.46	\$182	n/a	\$182

Notes for DELAYED costs

The estimated cost of submitting and implementing a Corrective Action Plan from the start date of the violation to the estimated compliance date.

### 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**

\$182

**Screening Date** 24-Jun-2010  
**Respondent** INEOS USA LLC  
**Case ID No.** 39952

**Docket No.** 2010-1059-AIR-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100238708  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall  
**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code § 116.715(a), Permit No. 95 SC 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent the overfilling of a railcar which resulted in the release of unauthorized emissions of 2,763 lbs of VOC, 294 lbs of CO, 58 lbs of NOx from relief valves and the No. 1 Olefins flare on February 6, 2010 during an emissions event (Incident No. 135522) lasting one hour and 40 minutes. While two railcars were being loaded simultaneously, the operator made an incorrect assessment about the time necessary to complete loading and left a vent on the railcar open that should have been closed. Soon after the flow to the first railcar was stopped, the second one overfilled. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

**>>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events  Number of violation days

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 for the event that occurred on February 6, 2010.

**Good Faith Efforts to Comply**

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** \$47

**Violation Final Penalty Total** \$11,625

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

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 39952  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
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	\$500	6-Feb-2010	15-Jan-2011	0.94	\$23	n/a	\$23
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	6-Feb-2010	15-Jan-2011	0.94	\$23	n/a	\$23

Notes for DELAYED costs

The estimated cost of training, assessing, and revising the Standard Operation Procedures ("SOP") for railcar loading starting from the date of the violation to the estimated completion date.

### 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**

\$47

**Screening Date** 24-Jun-2010  
**Respondent** INEOS USA LLC  
**Case ID No.** 39952

**Docket No.** 2010-1059-AIR-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100238708  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(1) and 116.115(c), Permit No. 19868 SC 1 and 8.B., 40 Code of Federal Regulations § 60.18(c)(1), and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent the loss of power to the No. 3 Polypropylene ("PP3") Unit which resulted in the release of unauthorized emissions of 115.15 lbs of ethylene, 694.50 lbs of propylene, 66.36 lbs of NOx, and 336.97 lbs of CO from the PP3 Flare during an emissions event which began on March 13, 2010 and lasted three hours and 33 minutes (Incident No. 137002). Also during the event, the flame on the flare went out for one minute. The power loss was caused by the stator windings for the cooling tower pump failing due to inadequate maintenance. Because the event could have been avoided by better maintenance practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	X
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

**Violation Base Penalty** \$2,500

One quarterly event is recommended for the event that began on March 13, 2010.

**Good Faith Efforts to Comply**

Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
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** \$6,551

**Violation Final Penalty Total** \$11,625

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

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 39952  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$50,000	13-Mar-2010	14-Jul-2011	1.34	\$223	\$4,457	\$4,679
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$20,000	13-Mar-2010	14-Jul-2011	1.34	\$89	\$1,783	\$1,872
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

The estimated cost to purchase and to install equipment, software, modeling, etc. from the start date of the violation to estimated completion date.

### 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

\$70,000

**TOTAL**

\$6,551

Screening Date 24-Jun-2010

Docket No. 2010-1059-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 39952

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Permit No. 95 SC 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the loss of air supply to the steam extraction rack that led to the DC-201 cracked gas compressor tripping and unauthorized emissions of 2,682 lbs of VOC, including 884 lbs of ethylene, 158 lbs of 1,3-butadiene, and 1,286 lbs of propylene; 327 lbs of NOx; and 2,459 lbs of CO from the No. 1 Olefins Flare during an emissions event which began on March 31, 2010 and lasted six hours (Incident No. 137806). The event was caused by a contractor accidentally closing the instrument air supply valve while removing insulation from the DC-201 turbine housing. Because the event could have been avoided by better design and operating practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended for the event that began on March 31, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The corrective actions were completed by April 30, 2010 and the NOE was issued on July 9, 2010.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$22,000

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

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 39952  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$1,400	31-Mar-2010	30-Apr-2010	0.08	\$0	\$8	\$8
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

The estimated cost of changing the air supply control valves to needle-type valves which cannot be accidentally closed and changing the air filters on DC-201 and DC-502 compressors to ones with a smaller micron rating from the date of the violation to the completion date.

**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

\$1,400

**TOTAL**

\$8

Screening Date 24-Jun-2010

Docket No. 2010-1059-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 39952

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Permit No. 95 SC 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly tighten the seal flush tubing connection to the DDG-411AN propylene product pump after pump maintenance which resulted in unauthorized emissions of 769 lbs of propylene on April 10, 2010 during an emissions event lasting five minutes (Incident No. 138184). Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended for the event that occurred on April 10, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The corrective actions were completed by June 30, 2010 and the NOE was issued on July 14, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$11,000

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

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 39952  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Violation No.** 6

Percent Interest	Years of Depreciation
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	10-Apr-2010	30-Jun-2010	0.22	\$6	n/a	\$6

Notes for DELAYED costs

The estimated cost of developing and implementing a new SOP that requires all reworked tubing lines to be pressure tested before putting back into service from the date of the violation to the completion date.

**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

\$500
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<b>TOTAL</b>	\$6
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# Compliance History Report

Customer/Respondent/Owner-Operator:	CN602817884	INEOS USA LLC	Classification: AVERAGE	Rating: 2.80																																																																																																																																																												
Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 5.94																																																																																																																																																												
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Compliance Period:

July 27, 2005 to July 27, 2010

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

Name: Miriam Hall Phone: (512) 239-1044

### 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? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, 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.

Effective Date: 11/13/2009

ADMINORDER 2009-0758-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: Special Condition 1 PA

Description: Failure to prevent unauthorized emissions. Specifically, the failure of the mechanical arm caused the malfunction of DDC-201 crack gas compressor.

Effective Date: 04/11/2010

ADMINORDER 2009-1084-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: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. The operator failed to control the liquid level on first stage suction drum (D-201).

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: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, INEOS failed to prevent the loss of steam pressure which resulted in C-201 cracked gas compressor trip.

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: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. The valve controller to the R-202 acetylene reactor was tuned improperly.

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: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions when the block valve to DB901A fuel line was not fully closed.

Effective Date: 04/25/2010

ADMINORDER 2009-1737-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: Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions which was caused by the polymerization of 1,3-butadiene in the process.

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.)

N/A	1	08/10/2005	(404141)
	2	08/13/2005	(404828)
	3	08/18/2005	(404361)
	4	08/19/2005	(440767)
	5	08/24/2005	(404609)
	6	08/24/2005	(406770)
	7	08/29/2005	(407005)
	8	08/30/2005	(418277)
	9	09/08/2005	(337658)
	10	09/08/2005	(372077)
	11	09/08/2005	(375408)
	12	09/16/2005	(440768)
	13	09/21/2005	(431548)
	14	10/10/2005	(432962)
	15	10/13/2005	(440769)
	16	10/13/2005	(440770)
	17	11/03/2005	(431679)
	18	11/18/2005	(468323)
	19	12/05/2005	(397651)
	20	12/20/2005	(468322)
	21	12/20/2005	(468324)
	22	01/12/2006	(451532)
	23	01/12/2006	(451560)
	24	01/26/2006	(437271)
	25	01/26/2006	(437342)
	26	01/26/2006	(438227)
	27	01/27/2006	(451469)
	28	02/15/2006	(468321)
	29	02/16/2006	(436530)
	30	02/24/2006	(438700)
	31	02/24/2006	(450737)
	32	02/24/2006	(450766)
	33	02/24/2006	(450771)
	34	02/24/2006	(454384)
	35	02/27/2006	(440360)
	36	02/27/2006	(449481)
	37	02/27/2006	(450755)
	38	02/28/2006	(333721)
	39	02/28/2006	(435662)
	40	02/28/2006	(437776)
	41	02/28/2006	(450758)
	42	03/17/2006	(498116)
	43	03/20/2006	(438702)
	44	03/20/2006	(454973)
	45	03/20/2006	(454984)
	46	04/19/2006	(449649)
	47	04/21/2006	(498117)
	48	04/24/2006	(459777)

49	04/24/2006	(460166)
50	04/24/2006	(460197)
51	04/28/2006	(453217)
52	05/04/2006	(462911)
53	05/09/2006	(453215)
54	05/10/2006	(451219)
55	05/15/2006	(454640)
56	05/16/2006	(498118)
57	05/17/2006	(462063)
58	05/19/2006	(453213)
59	06/19/2006	(498119)
60	06/30/2006	(482249)
61	07/06/2006	(485562)
62	07/07/2006	(483768)
63	07/07/2006	(483977)
64	07/07/2006	(484327)
65	07/17/2006	(498120)
66	07/21/2006	(484894)
67	07/21/2006	(485159)
68	07/27/2006	(465816)
69	08/09/2006	(375409)
70	08/16/2006	(520130)
71	09/01/2006	(488185)
72	09/01/2006	(488258)
73	09/01/2006	(488259)
74	09/01/2006	(488316)
75	09/01/2006	(488416)
76	09/01/2006	(488461)
77	09/01/2006	(488482)
78	09/01/2006	(489158)
79	09/01/2006	(497259)
80	10/10/2006	(511470)
81	10/10/2006	(514525)
82	10/12/2006	(520131)
83	10/17/2006	(515418)
84	11/08/2006	(544398)
85	11/17/2006	(544397)
86	11/27/2006	(455008)
87	12/06/2006	(518260)
88	12/12/2006	(544399)
89	12/19/2006	(532142)
90	01/12/2007	(544400)
91	01/16/2007	(534803)
92	01/17/2007	(567358)
93	02/07/2007	(544396)
94	02/22/2007	(437530)
95	02/23/2007	(437902)
96	02/26/2007	(489773)
97	02/26/2007	(541487)
98	02/28/2007	(541747)
99	03/12/2007	(575151)
100	03/13/2007	(455785)
101	03/22/2007	(541397)
102	03/23/2007	(460443)
103	04/03/2007	(461307)
104	04/09/2007	(541411)
105	04/11/2007	(461770)
106	04/13/2007	(532653)
107	04/16/2007	(575152)

108	05/03/2007	(554914)
109	05/10/2007	(555702)
110	05/18/2007	(568214)
111	05/18/2007	(575153)
112	05/18/2007	(652283)
113	05/21/2007	(511619)
114	05/25/2007	(560317)
115	06/06/2007	(562013)
116	06/11/2007	(575154)
117	06/25/2007	(564693)
118	07/11/2007	(454997)
119	07/12/2007	(575155)
120	07/19/2007	(567658)
121	07/23/2007	(566724)
122	07/23/2007	(567132)
123	07/30/2007	(568409)
124	08/07/2007	(575156)
125	08/10/2007	(562140)
126	08/10/2007	(563070)
127	08/10/2007	(652667)
128	08/31/2007	(565801)
129	09/18/2007	(607523)
130	09/18/2007	(607524)
131	09/19/2007	(570290)
132	09/19/2007	(574167)
133	09/28/2007	(565477)
134	10/04/2007	(565852)
135	10/04/2007	(565854)
136	10/10/2007	(565963)
137	10/10/2007	(565967)
138	10/10/2007	(566452)
139	10/10/2007	(566839)
140	10/10/2007	(566915)
141	10/11/2007	(566941)
142	10/11/2007	(566955)
143	10/18/2007	(569974)
144	10/19/2007	(566487)
145	10/19/2007	(566879)
146	11/06/2007	(600100)
147	11/08/2007	(619477)
148	11/09/2007	(594021)
149	11/09/2007	(594251)
150	11/09/2007	(594360)
151	11/09/2007	(594738)
152	11/13/2007	(574346)
153	11/15/2007	(653032)
154	11/16/2007	(594670)
155	11/16/2007	(594676)
156	11/16/2007	(594681)
157	11/19/2007	(594880)
158	11/26/2007	(569987)
159	11/26/2007	(570225)
160	11/27/2007	(570543)
161	12/04/2007	(566947)
162	12/05/2007	(619478)
163	12/06/2007	(710683)
164	12/20/2007	(599302)
165	01/02/2008	(599812)
166	01/03/2008	(611841)

167	01/08/2008	(600585)
168	01/10/2008	(609407)
169	01/18/2008	(611544)
170	01/25/2008	(609712)
171	02/08/2008	(600663)
172	02/08/2008	(609244)
173	02/08/2008	(609996)
174	02/08/2008	(610061)
175	02/08/2008	(610221)
176	02/08/2008	(610485)
177	02/08/2008	(611533)
178	02/08/2008	(611999)
179	02/08/2008	(612004)
180	02/08/2008	(612681)
181	02/08/2008	(652098)
182	02/13/2008	(671984)
183	02/15/2008	(618820)
184	02/20/2008	(570269)
185	03/06/2008	(636901)
186	03/06/2008	(671985)
187	03/10/2008	(597253)
188	03/13/2008	(614947)
189	03/18/2008	(615544)
190	03/18/2008	(615545)
191	03/18/2008	(615556)
192	03/18/2008	(615557)
193	03/26/2008	(671987)
194	03/31/2008	(616611)
195	03/31/2008	(616733)
196	04/04/2008	(618108)
197	04/07/2008	(671986)
198	04/21/2008	(639800)
199	05/07/2008	(654421)
200	05/09/2008	(637781)
201	05/12/2008	(689902)
202	05/16/2008	(639937)
203	05/16/2008	(639984)
204	05/16/2008	(640018)
205	05/23/2008	(640200)
206	06/10/2008	(689903)
207	06/26/2008	(683110)
208	06/27/2008	(684063)
209	06/30/2008	(671377)
210	06/30/2008	(671397)
211	07/07/2008	(641625)
212	07/15/2008	(681456)
213	07/28/2008	(687478)
214	08/14/2008	(686668)
215	08/19/2008	(687694)
216	08/22/2008	(687895)
217	08/29/2008	(701306)
218	09/05/2008	(710684)
219	09/23/2008	(710685)
220	09/23/2008	(710687)
221	10/21/2008	(682299)
222	10/27/2008	(657228)
223	10/28/2008	(685844)
224	10/29/2008	(636605)
225	11/10/2008	(700448)

226	11/10/2008	(705593)
227	11/10/2008	(710686)
228	12/10/2008	(727445)
229	12/10/2008	(727446)
230	02/03/2009	(722657)
231	02/03/2009	(750205)
232	02/05/2009	(722823)
233	02/05/2009	(722848)
234	02/10/2009	(726338)
235	02/20/2009	(689406)
236	02/20/2009	(689422)
237	02/27/2009	(724203)
238	03/04/2009	(750206)
239	03/18/2009	(738007)
240	03/18/2009	(738050)
241	04/01/2009	(750208)
242	04/08/2009	(750207)
243	04/18/2009	(741058)
244	04/24/2009	(737309)
245	04/27/2009	(737963)
246	05/05/2009	(739628)
247	05/05/2009	(739755)
248	05/15/2009	(737333)
249	05/15/2009	(742437)
250	05/15/2009	(742470)
251	05/15/2009	(742611)
252	05/15/2009	(768312)
253	06/09/2009	(739816)
254	06/09/2009	(768313)
255	06/30/2009	(746227)
256	07/16/2009	(748313)
257	07/16/2009	(748315)
258	07/27/2009	(725190)
259	08/07/2009	(741172)
260	08/14/2009	(749587)
261	08/17/2009	(764639)
262	08/20/2009	(724204)
263	08/20/2009	(766649)
264	09/02/2009	(760233)
265	09/02/2009	(760551)
266	09/02/2009	(761259)
267	09/03/2009	(761249)
268	09/03/2009	(761268)
269	09/18/2009	(763553)
270	09/28/2009	(762141)
271	09/28/2009	(763026)
272	09/30/2009	(764855)
273	09/30/2009	(764874)
274	10/01/2009	(765567)
275	10/08/2009	(766406)
276	11/05/2009	(746389)
277	11/09/2009	(804520)
278	11/10/2009	(746109)
279	12/02/2009	(778933)
280	12/07/2009	(804521)
281	12/17/2009	(784082)
282	12/22/2009	(780308)
283	12/23/2009	(777974)
284	01/05/2010	(778214)

285 01/11/2010 (804522)  
 286 01/22/2010 (780824)  
 287 01/22/2010 (787933)  
 288 01/26/2010 (787753)  
 289 01/27/2010 (789059)  
 290 02/08/2010 (804519)  
 291 02/17/2010 (789378)  
 292 02/24/2010 (792058)  
 293 03/04/2010 (830831)  
 294 03/12/2010 (795191)  
 295 04/07/2010 (830832)  
 296 04/19/2010 (796648)  
 297 04/23/2010 (795826)  
 298 04/23/2010 (795943)  
 299 05/10/2010 (800560)  
 300 05/13/2010 (830833)  
 301 05/17/2010 (801639)  
 302 05/26/2010 (802444)  
 303 05/27/2010 (793072)  
 304 06/08/2010 (824682)  
 305 06/10/2010 (801866)  
 306 06/17/2010 (824648)  
 307 06/23/2010 (802202)  
 308 06/24/2010 (802766)  
 309 07/09/2010 (826424)  
 310 07/13/2010 (795013)  
 311 07/14/2010 (826434)  
 312 07/21/2010 (841099)

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

Date: 08/31/2005 (440768) CN602817884  
 Self Report? 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 Report? 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.  
 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 122.143(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.  
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: 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.  
Date: 08/22/2008 (687895) CN602817884

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 60.18(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 mmbtu/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.

Date: 07/31/2009 (727445) 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: 12/17/2009 (784082) 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 the unauthorized emissions. C-302 and C-501 compressors tripped during level adjustments to the D-345 flash drums.

F. Environmental audits.

Notice of Intent Date: 09/08/2005 (435727)

No DOV Associated

Notice of Intent Date: 04/30/2010 (803375)

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**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-1059-AIR-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 ch. 382 and TEX. WATER CODE ch. 7. 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 a petrochemical plant on Farm-to-Market Road 2004, 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. During an investigation on March 2, 2010, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions of 39,119 pounds ("lbs") of volatile organic compounds ("VOC"), including 28,206 lbs of ethylene, 4,814 lbs of propylene, and 1,919 lbs of 1,3-butadiene; 39,938 lbs of carbon monoxide ("CO"); and 7,836 lbs of nitrogen oxides ("NO<sub>x</sub>") from the No. 2 Olefins Flare during an emissions event beginning on January 15, 2010 and lasting 33 hours (Incident No. 134543). The event began when the DDC-201 cracked gas compressor tripped for an undetermined cause. Because of inadequate communication between shifts, operators made some adjustments to valve positions after a shift change 10 hours into the event causing the DDC-502 propylene refrigeration compressor and DDC-501 ethylene refrigeration compressor to trip, thereby increasing the incident duration and corresponding emissions. Because the emissions were increased due to poor operating practices during the event, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation on March 18, 2010, TCEQ staff documented that the Respondent failed to prevent the DDC-502 propylene refrigeration compressor from tripping and the unauthorized release of 29,559 lbs of VOC, including 24,935 lbs of ethylene and 2,825 lbs of propylene, 32,452 lbs of CO, and 6,373 lbs of NO<sub>x</sub> from the No. 2 Olefins Flare during an emissions event (Incident No. 135112) which began on January 28, 2010 and lasted 22 hours and 48 minutes. Also for 13 hours during the event, the flare released more than 1,200 lbs of Highly Reactive VOC ("HRVOC") per one-hour block period with a maximum release of 1,797.69 lbs of HRVOC from 6:00 a.m. to 7:00 a.m. on January 29, 2010. This event was determined to be excessive.
5. During a record review on April 6, 2010, TCEQ staff documented that the Respondent failed to prevent the overfilling of a railcar which resulted in the release of unauthorized emissions of 2,763 lbs of VOC, 294 lbs of CO, 58 lbs of NO<sub>x</sub> from relief valves and the No. 1 Olefins flare on February 6, 2010 during an emissions event (Incident No. 135522) lasting one hour and 40 minutes. While two railcars were being loaded simultaneously, the operator made an incorrect assessment about the time necessary to complete loading and left a vent on the railcar open that should have been closed. Soon after the flow to the first railcar was stopped, the second one overfilled. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. During a record review on May 25, 2010, TCEQ staff documented that the Respondent failed to prevent the loss of power to the No. 3 Polypropylene ("PP3") Unit which resulted in the release of unauthorized emissions of 115.15 lbs of ethylene, 694.50 lbs of propylene, 66.36 lbs of NO<sub>x</sub>, and 336.97 lbs of CO from the PP3 Flare during an emissions event which began on March 13, 2010 and lasted three hours and 33 minutes (Incident No. 137002). Also during the event, the flame on flare went out for one minute. The power loss was caused by the stator windings for the cooling tower pump failing due to inadequate maintenance. Because the event could have been avoided by

better maintenance practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

7. During a record review on June 11, 2010, TCEQ staff documented that the Respondent failed to prevent the loss of air supply to the steam extraction rack that led to the DC-201 cracked gas compressor tripping and unauthorized emissions of 2,682 lbs of VOC, including 884 lbs of ethylene, 158 lbs of 1,3 butadiene, and 1,286 lbs of propylene; 327 lbs of NO<sub>x</sub>; and 2,459 lbs of CO from the No. 1 Olefins Flare during an emissions event which began on March 31, 2010 and lasted six hours (Incident No. 137806). The event was caused by a contractor accidentally closing the instrument air supply valve while removing insulation from the DC-201 turbine housing. Because the event could have been avoided by better design and operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
8. During a record review on June 22, 2010, TCEQ staff documented that the Respondent failed to properly tighten the seal flush tubing connection to the DDG-411AN propylene product pump after pump maintenance which resulted in unauthorized emissions of 769 lbs of propylene on April 10, 2010 during an emissions event lasting five minutes, (Incident No. 138184). Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
9. The Respondent received notices of the violations on June 2, 15, and 24; and July 13 and 15, 2010.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. To prevent the recurrence of the January 15, 2010 emissions event (Incident No. 134543):
    - i. On January 16, 2010, replaced the Tricon 6 Module card;
    - ii. On January 22, 2010, replaced the "stop button"; and
    - iii. On April 20, 2010, developed a system to ensure documentation and periodic review of all faults on the Triconex modules.
  - b. To prevent the recurrence of the January 28, 2010 excessive emissions event (Incident No. 135112), on July 28, 2010, submitted a Corrective Action Plan ("CAP");
  - c. To prevent the recurrence of the February 6, 2010 emissions event (Incident No. 135522), on July 2, 2010, the incident was reviewed in shift tailgate meetings, stressing the importance of conforming to Standard Operating Procedures ("SOP");

- d. To prevent the recurrence of the March 31, 2010 event (Incident No. 137806), by April 30, 2010, changed the air supply control valves to needle-type valves which cannot be accidentally closed and changed the air filters on DC-201 and DC-502 compressors to filters with a smaller micron rating; and
- e. To prevent the recurrence of the April 10, 2010 event (Incident No. 138184), by June 30, 2010, implemented a new SOP that requires all reworked tubing lines to be pressure tested before putting back into service.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 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 prevent unauthorized emissions from the No. 2 Olefins Flare during an emissions event (Incident No. 134543) beginning on January 15, 2010, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 Special Condition No. ("SC") 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions from the No. 2 Olefins Flare, including more than 1,200 lbs per hour of HRVOC, during an excessive emissions event (Incident No. 135112) which began on January 28, 2010, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(2) and 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions from relief valves and the No. 1 Olefins flare during an emissions event (Incident No 135522) on February 6, 2010, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent unauthorized emissions from the PP3 Flare and to maintain the flame on the flare during an emissions event (Incident No. 137002) which began on March 13, 2010, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 116.115(c), Permit No. 19868 SC 1 and 8.B., 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to prevent unauthorized emissions from the No. 1 Olefins Flare during an emissions event (Incident No. 137806) which began on March 31, 2010, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions from the DDG-411AN propylene product pump during an emissions event (Incident No. 138184) on April 10, 2010, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Permit No. 95 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

8. 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.
9. An administrative penalty in the amount of Seventy Thousand Dollars (\$70,000) 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 Thirty-Five Thousand Dollars (\$35,000) of the administrative penalty. Thirty-Five Thousand Dollars (\$35,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

### **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 Seventy Thousand Dollars (\$70,000) as set forth in Section II, Paragraph 9 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. 2010-1059-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. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 9 above, Thirty-Five Thousand Dollars (\$35,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
  - a. For the January 28, 2010 excessive emissions event (Incident No. 135112) to prevent recurrence:

- i. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted in connection with the excessive emission events within 15 days after the date of such requests, or by any other deadline specified in writing;
  - ii. Upon Commission approval, implement the CAP in accordance with the approved schedule; and
  - iii. Within 15 days upon completion of the CAP implementation, submit written certification of compliance as described in Ordering Provision No. 3.d.
- b. For the February 6, 2010 emissions event (Incident No. 135522) to prevent the recurrence of overfilling railcars:
- i. Within 30 days after the effective date of this Agreed Order, complete the revisions to the SOP for railcar loading;
  - ii. Within 45 days after the effective date of this Agreed Order, complete operator training for the revised SOP for railcar loading; and
  - iii. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.b.i. and 3.b.ii, as described in Ordering Provision No. 3.d.
- c. For the March 13, 2010 emissions event (Incident No. 137002) to prevent the recurrence of a motor ground fault, within 180 days after the effective date of this Agreed Order:
- i. Install on-line predictive motor test equipment for periodic motor testing and analysis;
  - ii. Revise Preventative Maintenance guidelines given to contractors to include expected trip values and time delays;
  - iii. Review the plant electrical model compared to field settings, updating and adjusting the model to reflect actual data if necessary, coordinating unit motor relay settings with upstream relays, and adjusting field device settings to reflect changes;
  - iv. Install digital motor protection on critical motor loads on the Motor Control Center in the PP3 Unit in order to increase motor protection as well as to enhance trending and event reporting; and

- v. Submit written certification of compliance with Ordering Provision Nos. 3.c.i. through 3.c.iv., as described in Ordering Provision No. 3.d.
- d. The written certifications required by Ordering Provision Nos. 3.a.iii., 3.b.iii., and 3.c.v. shall be as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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

- 4. 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.
- 5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. 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 Szollosi  
For the Executive Director

\_\_\_\_\_  
Date 11/11/2011

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.

John Harvey III  
Signature

\_\_\_\_\_  
Date 11/3/10

\_\_\_\_\_  
John Harvey III  
Name (Printed or typed)  
Authorized Representative of  
INEOS USA LLC

\_\_\_\_\_  
Site Manager  
Title

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

**Attachment A**  
**Docket Number: 2010-1059-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** INEOS USA LLC

**Penalty Amount:** Seventy Thousand Dollars (\$70,000)

**SEP Offset Amount:** Thirty-Five Thousand Dollars (\$35,000)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Brazoria County – Brazoria County Vehicle and Equipment Program

**Location of SEP:** Brazoria County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by **Brazoria County** for the ***Brazoria County Vehicle and Equipment Program*** as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

Retirement of Vehicles. The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be

destroyed. The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

Alternative Fuels: Use of alternative fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

**b. Environmental Benefit**

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

**c. Minimum Expenditure**

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Brazoria County Parks Department  
313 W. Mulberry  
Angleton, Texas 77155

**3. Records and Reporting**

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.