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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-0507-AIR-E **TCEQ ID:** RN100238708 **CASE NO.:** 39420  
**RESPONDENT NAME:** INEOS USA LLC

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<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, located at Farm-to-Market Road 2004, two miles south of the intersection with Farm-to-Market Road 2917, 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 three additional pending enforcement actions regarding this facility location, Docket Nos. 2010-1059-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 August 23, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 329-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Ms. Theresa Vitek, Environmental, Health, and Safety Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77536  Mr. John Harvey III, Plant 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 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 1, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 12, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to submit a notification for the unplanned startup of the refrigeration compressor DC-301 in the Olefins 1 Unit on February 26, 2010. During the startup, emissions were released from the Olefins 1 Flare (Emission Point No. DM-1101) in excess of the reportable quantities for propylene, ethylene, 1,3-butadiene, and nitrogen oxides [30 TEX. ADMIN. CODE § 101.211(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$10,050</p> <p><b>Total Deferred:</b> \$2,010  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$8,040</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit a complete notification/report of the February 26, 2010 startup of the refrigeration compressor DC-301 in the Olefins 1 Unit into the State of Texas Environmental Electronic Reporting System; and</p> <p>ii. Implement procedures to ensure that all notifications of reportable unplanned startups and emissions events are submitted timely.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i and a.ii.</p>

Additional ID No(s): BLO002S



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Mar-2010	<b>Screening</b>	30-Mar-2010	<b>EPA Due</b>	
	<b>PCW</b>	29-Mar-2010				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	39420	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0507-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Miriam Hall
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	302.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$7,550
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**Notes** The penalty was enhanced for two similar NOVs, 19 dissimilar NOVs, nine orders with denial of liability, and three orders without denial of liability. Reduction for one notice of audit.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$28	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$750	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,050
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$10,050
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,050
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$2,010
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,040
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Screening Date 30-Mar-2010

Docket No. 2010-0507-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 39420

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 NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 302%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced for two similar NOVs, 19 dissimilar NOVs, nine orders with denial of liability, and three orders without denial of liability. Reduction for one notice of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 302%

Screening Date 30-Mar-2010

Docket No. 2010-0507-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 39420

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 § 101.211(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a notification for the unplanned startup of the refrigeration compressor DC-301 in the Olefins 1 Unit on February 26, 2010. During the startup, emissions were released from the Olefins 1 Flare (Emission Point No. DM-1101) in excess of the reportable quantities for propylene, ethylene, 1,3-butadiene, and nitrogen oxides.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

29 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended for one report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement

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 \$28

Violation Final Penalty Total \$10,050

This violation Final Assessed Penalty (adjusted for limits) \$10,050

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 39420  
**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				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	26-Feb-2010	30-Nov-2010	0.76	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	26-Feb-2010	30-Nov-2010	0.76	\$9	n/a	\$9

Notes for DELAYED costs: The estimated cost of submitting the notification/emissions report and conducting additional training from the 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	\$750	TOTAL	\$28
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# Compliance History Report

Customer/Respondent/Owner-Operator:

CN602817884 INEOS USA LLC

Classification: AVERAGE

Rating: 2.82

Regulated Entity:

RN100238708 CHOCOLATE BAYOU PLANT

Classification: AVERAGE

Site Rating: 5.97

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S
AIR OPERATING PERMITS	PERMIT	1353
AIR OPERATING PERMITS	PERMIT	2327
WASTEWATER	PERMIT	WQ0001333000
WASTEWATER	PERMIT	TPDES0004821
WASTEWATER	PERMIT	TX0004821
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	12999
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200132
UNDERGROUND INJECTION CONTROL	PERMIT	5D0400007
AIR NEW SOURCE PERMITS	PERMIT	53419
AIR NEW SOURCE PERMITS	PERMIT	95
AIR NEW SOURCE PERMITS	PERMIT	101
AIR NEW SOURCE PERMITS	REGISTRATION	75608
AIR NEW SOURCE PERMITS	REGISTRATION	12953
AIR NEW SOURCE PERMITS	REGISTRATION	53419
AIR NEW SOURCE PERMITS	REGISTRATION	75399
AIR NEW SOURCE PERMITS	REGISTRATION	10465
AIR NEW SOURCE PERMITS	REGISTRATION	10906
AIR NEW SOURCE PERMITS	REGISTRATION	11060
AIR NEW SOURCE PERMITS	REGISTRATION	11539
AIR NEW SOURCE PERMITS	REGISTRATION	12136
AIR NEW SOURCE PERMITS	REGISTRATION	12709
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0002S
AIR NEW SOURCE PERMITS	AFS NUM	4803900014
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854
AIR NEW SOURCE PERMITS	PERMIT	488A
AIR NEW SOURCE PERMITS	PERMIT	491A
AIR NEW SOURCE PERMITS	PERMIT	1041
AIR NEW SOURCE PERMITS	PERMIT	2798
AIR NEW SOURCE PERMITS	PERMIT	4882
AIR NEW SOURCE PERMITS	PERMIT	7196
AIR NEW SOURCE PERMITS	PERMIT	19868
AIR NEW SOURCE PERMITS	PERMIT	35735
AIR NEW SOURCE PERMITS	PERMIT	46192
AIR NEW SOURCE PERMITS	REGISTRATION	48637
AIR NEW SOURCE PERMITS	REGISTRATION	71820
AIR NEW SOURCE PERMITS	REGISTRATION	74968
AIR NEW SOURCE PERMITS	REGISTRATION	76394
AIR NEW SOURCE PERMITS	EPA ID	PSDTX793
AIR NEW SOURCE PERMITS	EPA ID	PSDTX983
AIR NEW SOURCE PERMITS	REGISTRATION	76826
AIR NEW SOURCE PERMITS	REGISTRATION	76401
AIR NEW SOURCE PERMITS	EPA ID	PSDTX642
AIR NEW SOURCE PERMITS	REGISTRATION	78501
AIR NEW SOURCE PERMITS	REGISTRATION	78483
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854M2
AIR NEW SOURCE PERMITS	REGISTRATION	87813
WATER LICENSING	LICENSE	0200132
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30042
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50121
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50121
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30042
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50121

COMPLIANCE PLANS  
 INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50121  
 POST CLOSURE  
 AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0002S

Location: 2 MI S OF THE INTERSECTION OF FM 2917 AND FM 2004

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 29, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 29, 2005 to March 29, 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? Yes
3. If Yes, who is the current owner/operator?  

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

OWNOPR	INEOS USA LLC
OWNOPR	BP Amoco Chemical Company
5. When did the change(s) in owner or operator occur?  

04/25/2005	OWNOPR	BP Amoco Chemical Company
06/01/2005	OWNOPR	INEOS USA LLC
6. Rating Date: 9/1/2009 Repeat Violator: NO

**Components (Multimedia) for the Site :**

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

Effective Date: 08/28/2006 ADMINORDER 2006-0242-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: Air Permit #92/PSD-TX-854, S.C.#1 PA  
 Description: Failed to prevent unauthorized emissions during a April 14, 2005 emissions event.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA  
 Description: Failed to prevent unauthorized emissions during a May 29, 2005 emissions event.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA  
 Description: Failed to prevent unauthorized emissions during a July 5, 2005 emissions event.

Effective Date: 11/03/2006 ADMINORDER 2006-0469-AIR-E  
 Classification: Major  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 Rqmt Prov: No. 95/PSD-TX-854, Special Condition #1 PERMIT  
 Description: Failure to prevent loss of instrument air resulting in unauthorized emissions.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 Rqmt Prov: Permit No. 95/PSD-TX-854 PERMIT  
 Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on November 19, 2005 [emission point No. ("EPN") DM-1101] on November 19, 2005.  
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on December 11, 2005 [EPN DM-1101] on December 11, 2005.

Effective Date: 04/26/2007 ADMINORDER 2006-1893-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: No. 95, Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/31/2007 ADMINORDER 2007-0175-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: No. 95, Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions.

Effective Date: 11/19/2007 ADMINORDER 2004-0891-AIR-E  
Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Flexible Air Permit #95, SC #1 PERMIT  
Description: BP Amoco failed to prevent the unauthorized excessive emissions from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Flexible Permit 95 and PSD-TX-854 PA  
Description: BP Amoco failed to prevent the unauthorized emissions when a drain valve on Flare Knock-Out Drum AD-1501 was left open for one hour on May 3, 2004.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ FLEXIBLE AIR PERMIT #95, SC#1 PERMIT  
Description: BP Amoco failed to prevent the unauthorized emissions when BP Amoco failed to prevent a high concentration of carbon monoxide in cracked gas which caused a malfunction in the acetylene reactor, which in turn, resulted in the production of ethylene which was routed to the Olefins 1 Flare for approximately 12 hours and 30 minutes on July 19, 2004.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Flexible Air Permit No. 95, SC1 PERMIT  
Description: BP Amoco failed to prevent the unauthorized emissions from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately eleven (11) hours on June 16, 2004.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 19868, SC No. 1 PA  
Description: BP Amoco failed to prevent the unauthorized emissions due to a seal failure on Quench Pump MG-251 for approximately one hour and forty-five minutes on July 9, 2004.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Flex Air Permit No. 95, SC1 PERMIT  
Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline; thereby shutting down two compressors and decreasing flow through the ethylene section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: 95, SC #1 PA  
Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Flare when BP failed

to control the carbon monoxide concentration and temperature in the acetylene reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004.

Effective Date: 01/28/2008

ADMINORDER 2007-0370-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 95 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit #95/PSD-TX-854, SC1 OP

Description: INEOS failure to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 04/03/2008

ADMINORDER 2007-1325-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

Effective Date: 07/21/2008

ADMINORDER 2008-0266-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failed to prevent the interruption of dimethylsulfide supply to dilution steam.

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

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

Description: Failed to comply with permitted emissions limits.

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent rupture of Tank AF4601B roof seals.

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: INEOS failed to prevent an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: INEOS failed to prevent an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

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.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/22/2005	(419633)
2	04/26/2005	(372080)
3	05/18/2005	(374942)
4	05/19/2005	(419634)
5	05/20/2005	(392949)
6	06/20/2005	(419635)
7	07/13/2005	(440766)
8	07/15/2005	(399321)
9	08/10/2005	(404141)
10	08/13/2005	(404828)
11	08/18/2005	(404361)
12	08/19/2005	(440767)

13	08/24/2005	(404609)
14	08/24/2005	(406770)
15	08/29/2005	(407005)
16	08/30/2005	(418277)
17	09/08/2005	(337658)
18	09/08/2005	(372077)
19	09/08/2005	(375408)
20	09/16/2005	(440768)
21	09/21/2005	(431548)
22	10/10/2005	(432962)
23	10/13/2005	(440769)
24	10/13/2005	(440770)
25	11/03/2005	(431679)
26	11/18/2005	(468323)
27	12/05/2005	(397651)
28	12/20/2005	(468322)
29	12/20/2005	(468324)
30	01/12/2006	(451532)
31	01/12/2006	(451560)
32	01/26/2006	(437271)
33	01/26/2006	(437342)
34	01/26/2006	(438227)
35	01/27/2006	(451469)
36	02/15/2006	(468321)
37	02/16/2006	(436530)
38	02/24/2006	(438700)
39	02/24/2006	(450737)
40	02/24/2006	(450766)
41	02/24/2006	(450771)
42	02/24/2006	(454384)
43	02/27/2006	(440360)
44	02/27/2006	(449481)
45	02/27/2006	(450755)
46	02/28/2006	(333721)
47	02/28/2006	(435662)
48	02/28/2006	(437776)
49	02/28/2006	(450758)
50	03/17/2006	(498116)
51	03/20/2006	(438702)
52	03/20/2006	(454973)
53	03/20/2006	(454984)
54	04/19/2006	(449649)
55	04/21/2006	(498117)
56	04/24/2006	(459777)
57	04/24/2006	(460166)
58	04/24/2006	(460197)
59	04/28/2006	(453217)
60	05/04/2006	(462911)
61	05/09/2006	(453215)
62	05/10/2006	(451219)
63	05/15/2006	(454640)
64	05/16/2006	(498118)
65	05/17/2006	(462063)
66	05/19/2006	(453213)
67	06/19/2006	(498119)
68	06/30/2006	(482249)
69	07/06/2006	(485562)
70	07/07/2006	(483768)
71	07/07/2006	(483977)

72	07/07/2006	(484327)
73	07/17/2006	(498120)
74	07/21/2006	(484894)
75	07/21/2006	(485159)
76	07/27/2006	(465816)
77	08/09/2006	(375409)
78	08/16/2006	(520130)
79	09/01/2006	(488185)
80	09/01/2006	(488258)
81	09/01/2006	(488259)
82	09/01/2006	(488316)
83	09/01/2006	(488416)
84	09/01/2006	(488461)
85	09/01/2006	(488482)
86	09/01/2006	(489158)
87	09/01/2006	(497259)
88	10/10/2006	(511470)
89	10/10/2006	(514525)
90	10/12/2006	(520131)
91	10/17/2006	(515418)
92	11/08/2006	(544398)
93	11/17/2006	(544397)
94	11/27/2006	(455008)
95	12/06/2006	(518260)
96	12/12/2006	(544399)
97	12/19/2006	(532142)
98	01/12/2007	(544400)
99	01/16/2007	(534803)
100	01/17/2007	(567358)
101	02/07/2007	(544396)
102	02/22/2007	(437530)
103	02/23/2007	(437902)
104	02/26/2007	(489773)
105	02/26/2007	(541487)
106	02/28/2007	(541747)
107	03/12/2007	(575151)
108	03/13/2007	(455785)
109	03/22/2007	(541397)
110	03/23/2007	(460443)
111	04/03/2007	(461307)
112	04/09/2007	(541411)
113	04/11/2007	(461770)
114	04/13/2007	(532653)
115	04/16/2007	(575152)
116	05/03/2007	(554914)
117	05/10/2007	(555702)
118	05/18/2007	(568214)
119	05/18/2007	(575153)
120	05/18/2007	(652283)
121	05/21/2007	(511619)
122	05/25/2007	(560317)
123	06/06/2007	(562013)
124	06/11/2007	(575154)
125	06/25/2007	(564693)
126	07/11/2007	(454997)
127	07/12/2007	(575155)
128	07/19/2007	(567658)
129	07/23/2007	(566724)
130	07/23/2007	(567132)

131	07/30/2007	(568409)
132	08/07/2007	(575156)
133	08/10/2007	(562140)
134	08/10/2007	(563070)
135	08/10/2007	(652667)
136	08/31/2007	(565801)
137	09/18/2007	(607523)
138	09/18/2007	(607524)
139	09/19/2007	(570290)
140	09/19/2007	(574167)
141	09/28/2007	(565477)
142	10/04/2007	(565852)
143	10/04/2007	(565854)
144	10/10/2007	(565963)
145	10/10/2007	(565967)
146	10/10/2007	(566452)
147	10/10/2007	(566839)
148	10/10/2007	(566915)
149	10/11/2007	(566941)
150	10/11/2007	(566955)
151	10/18/2007	(569974)
152	10/19/2007	(566487)
153	10/19/2007	(566879)
154	11/06/2007	(600100)
155	11/08/2007	(619477)
156	11/09/2007	(594021)
157	11/09/2007	(594251)
158	11/09/2007	(594360)
159	11/09/2007	(594738)
160	11/13/2007	(574346)
161	11/15/2007	(653032)
162	11/16/2007	(594670)
163	11/16/2007	(594676)
164	11/16/2007	(594681)
165	11/19/2007	(594880)
166	11/26/2007	(569987)
167	11/26/2007	(570225)
168	11/27/2007	(570543)
169	12/04/2007	(566947)
170	12/05/2007	(619478)
171	12/06/2007	(710683)
172	12/20/2007	(599302)
173	01/02/2008	(599812)
174	01/03/2008	(611841)
175	01/08/2008	(600585)
176	01/10/2008	(609407)
177	01/18/2008	(611544)
178	01/25/2008	(609712)
179	02/08/2008	(600663)
180	02/08/2008	(609244)
181	02/08/2008	(609996)
182	02/08/2008	(610061)
183	02/08/2008	(610221)
184	02/08/2008	(610485)
185	02/08/2008	(611533)
186	02/08/2008	(611999)
187	02/08/2008	(612004)
188	02/08/2008	(612681)
189	02/08/2008	(652098)

190	02/13/2008	(671984)
191	02/15/2008	(618820)
192	02/20/2008	(570269)
193	03/06/2008	(636901)
194	03/06/2008	(671985)
195	03/10/2008	(597253)
196	03/13/2008	(614947)
197	03/18/2008	(615544)
198	03/18/2008	(615545)
199	03/18/2008	(615556)
200	03/18/2008	(615557)
201	03/26/2008	(671987)
202	03/31/2008	(616611)
203	03/31/2008	(616733)
204	04/04/2008	(618108)
205	04/07/2008	(671986)
206	04/21/2008	(639800)
207	05/07/2008	(654421)
208	05/09/2008	(637781)
209	05/12/2008	(689902)
210	05/16/2008	(639937)
211	05/16/2008	(639984)
212	05/16/2008	(640018)
213	05/23/2008	(640200)
214	06/10/2008	(689903)
215	06/26/2008	(683110)
216	06/27/2008	(684063)
217	06/30/2008	(671377)
218	06/30/2008	(671397)
219	07/07/2008	(641625)
220	07/15/2008	(681456)
221	07/28/2008	(687478)
222	08/14/2008	(686668)
223	08/19/2008	(687694)
224	08/22/2008	(687895)
225	08/29/2008	(701306)
226	09/05/2008	(710684)
227	09/23/2008	(710685)
228	09/23/2008	(710687)
229	10/21/2008	(682299)
230	10/27/2008	(657228)
231	10/28/2008	(685844)
232	10/29/2008	(636605)
233	11/10/2008	(700448)
234	11/10/2008	(705593)
235	11/10/2008	(710686)
236	12/10/2008	(727445)
237	12/10/2008	(727446)
238	02/03/2009	(722657)
239	02/03/2009	(750205)
240	02/05/2009	(722823)
241	02/05/2009	(722848)
242	02/10/2009	(726338)
243	02/20/2009	(689406)
244	02/20/2009	(689422)
245	02/27/2009	(724203)
246	03/04/2009	(750206)
247	03/18/2009	(738007)
248	03/18/2009	(738050)

249 04/01/2009 (750208)  
 250 04/08/2009 (750207)  
 251 04/18/2009 (741058)  
 252 04/24/2009 (737309)  
 253 04/27/2009 (737963)  
 254 05/05/2009 (739628)  
 255 05/05/2009 (739755)  
 256 05/15/2009 (737333)  
 257 05/15/2009 (742437)  
 258 05/15/2009 (742470)  
 259 05/15/2009 (742611)  
 260 05/15/2009 (768312)  
 261 06/09/2009 (739816)  
 262 06/09/2009 (768313)  
 263 06/30/2009 (746227)  
 264 07/16/2009 (748313)  
 265 07/16/2009 (748315)  
 266 07/27/2009 (725190)  
 267 08/07/2009 (741172)  
 268 08/14/2009 (749587)  
 269 08/17/2009 (764639)  
 270 08/20/2009 (724204)  
 271 08/20/2009 (766649)  
 272 09/02/2009 (760233)  
 273 09/02/2009 (760551)  
 274 09/02/2009 (761259)  
 275 09/03/2009 (761249)  
 276 09/03/2009 (761268)  
 277 09/18/2009 (763553)  
 278 09/28/2009 (762141)  
 279 09/28/2009 (763026)  
 280 09/30/2009 (764855)  
 281 09/30/2009 (764874)  
 282 10/01/2009 (765567)  
 283 10/08/2009 (766406)  
 284 11/05/2009 (746389)  
 285 11/10/2009 (746109)  
 286 12/02/2009 (778933)  
 287 12/17/2009 (784082)  
 288 12/22/2009 (780308)  
 289 12/23/2009 (777974)  
 290 01/05/2010 (778214)  
 291 01/22/2010 (780824)  
 292 01/22/2010 (787933)  
 293 01/26/2010 (787753)  
 294 01/27/2010 (789059)  
 295 02/17/2010 (789378)  
 296 02/24/2010 (792058)  
 297 03/12/2010 (795191)

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

Date: 06/13/2005 (418277) CN602817884  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Other Requirements, No. 3 PERMIT  
 Description: Failure to comply with chlorine residual limits for the discharge from the domestic  
 sewage facility.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
 Description: Failure to analyze chlorine residual samples within hold time.

Date: 07/15/2005 (399321) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 19868 SC No. 7E PA  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 Description: Failure to plug the open-ended lines.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 35735 SC No. 3 PA  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 Description: Failure to maintain net heating value of flare header to a minimum value of 300 Btu/Scf.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
 Description: Failure to comply with 30 TAC 117.206(i) by operating the emergency generator between the hours of 6:00 AM and Noon.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.136(b)  
 Description: Failure to include PP-1 powder baghouse and vent CM-1307 in the title V permit within 60 days upon discovery.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)  
 Description: Failure to conduct extraordinary attempts to repair leaking valves within seven days.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
 5419 SC No. 3 PA  
 Description: Failure to avoid visible emissions from flare for more than five minutes in any two hour period.  
 Date: 08/31/2005 (440768) CN602817884  
 Self 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.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Date: 08/22/2008 (687895) CN602817884

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
Description: Failure to prevent flare malfunction.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(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: 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

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. 2010-0507-AIR-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical plant two miles south of the intersection of Farm-to-Market Road 2004 and Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 17, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Fifty Dollars (\$10,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Forty Dollars (\$8,040) of the administrative penalty and

Two Thousand Ten Dollars (\$2,010) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to submit a notification for the unplanned startup of the refrigeration compressor DC-301 in the Olefins 1 Unit on February 26, 2010, in violation of 30 TEX. ADMIN. CODE § 101.211(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 1, 2010. During the startup, emissions were released from the Olefins 1 Flare (Emission Point No. DM-1101) in excess of the reportable quantities for propylene, ethylene, 1,3-butadiene, and nitrogen oxides.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2010-0507-AIR-E" to:

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

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

- a. Within 30 days after the effective date of this Agreed Order:
  - i. Submit a complete notification/report of the February 26, 2010 startup of the refrigeration compressor DC-301 in the Olefins 1 Unit into the State of Texas Environmental Electronic Reporting System (STEERS); and
  - ii. Implement procedures to ensure that all notifications of reportable unplanned startups and emissions events are submitted timely.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

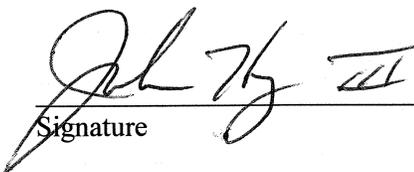
3/15/2011  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

6/14/10  
Date

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

Plant Manager  
\_\_\_\_\_  
Title

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