

CAPTION: Docket No. 2010-1421-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Brazoria County; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)



EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2010-1421-AIR-E **TCEQ ID:** RN100238708 **CASE NO.:** 40310
RESPONDENT NAME: INEOS USA LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Chocolate Bayou Plant, 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>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location: Docket Nos. 2008-1816-AIR-E, 2010-0507-AIR-E, 2010-1059-AIR-E, and 2011-0223-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 25, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Theresa Vitek, Environmental, Health, & Safety Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77536 Mr. John Harvey, Plant Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77536 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 7, 2009 through December 9, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 5, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to comply with the nitrogen oxides ("NO_x") annual maximum allowable emission rate ("MAER") for the NO_x Other Source Routine Emission Cap. Specifically, the Respondent exceeded the rolling 12-month NO_x permitted annual MAER of 86.91 tons per year for the NO_x Other Source Routine Emissions from October 2007 through January 2008, resulting in the unauthorized release of 80.36 tons in this four-month period [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); New Source Review Flexible Permit ("NSRFP") Nos. 95 and PSD-TX-854M2, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O-02327, Special Terms and Conditions ("STC") No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to comply with the NO_x hourly MAER for the NO_x Furnace Emission Cap-Phase II. Specifically, the Respondent exceeded the NO_x permitted hourly MAER of 248.95 pounds per hour ("lb/hr") by up to 288.67 lb/hr for a total of 661 hours ("hrs") from November 27, 2007 through August 28, 2008 resulting in the unauthorized release of approximately 14,553 pounds ("lbs") of NO_x [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4);</p>	<p>Total Assessed: \$411,776</p> <p>Total Deferred: \$82,355 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$164,710</p> <p>Total Paid to General Revenue: \$164,711</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On April 20, 2008, in order to prevent exceedances of the NO_x MAER for the NO_x Other Source Routine Emission Cap from flaring excess hydrogen at the Olefins No. 1 and No. 2 Flares, a second hydrogen customer was brought on line to avoid disruptions on shipping hydrogen;</p> <p>b. On July 8, 2008, began monitoring 60 components in the Olefins 2 Unit [Unit Identification No. HVALVEFUG] with a hydrogen gas analyzer that had not been previously identified as being in volatile organic compound ("VOC") service;</p> <p>c. On August 14, 2008, began monitoring 267 components in the Tank Farm [EPN FUG-FTF] with a hydrogen gas analyzer that had not been previously identified as being in VOC service;</p> <p>d. On May 5, 2008, adjusted the excess air feed on the Pyrolysis Furnaces to reduce hourly CO emissions; and</p> <p>e. On October 31, 2007, made process adjustments to lower the NO_x target to reduce NH₃ usage and emissions.</p> <p>Ordering Provisions:</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. Within 30 days after the effective date of this Agreed Order, implement improvements to designs, operations, and/or maintenance practices that</p>

<p>NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to limit the 24-hour average ammonia ("NH₃") concentration to 10 parts per million by volume ("ppmv") for Pyrolysis Furnaces Emission Point No. ("EPN") DB105, DB106, DB107, DB108, and DB109 from October 2, 2007 through September 24, 2008. Specifically, EPN DB105 had concentrations up to 50 ppmv for 2,948 hrs, EPN DB106 had concentrations up to 32 ppmv for 1,808 hrs, EPN DB107 had concentrations up to 15 ppmv for 362 hrs, EPN DB108 had concentrations up to 31 ppmv for 1,557 hrs, and EPN DB109 had concentrations up to 45 ppmv for 2,264 hours [30 TEX. ADMIN. CODE § 117.310(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to limit the NO_x emission rate from Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109 to below 0.05 pounds per million British thermal units ("lb/MMBtu") from October 22, 2007 through September 29, 2008. Specifically, EPN DB105 had NO_x emission rates up to 0.17 lb/MMBtu for 52 hrs, EPN DB106 had NO_x emission rates up to 0.13 lb/MMBtu for 52 hrs, EPN DB107 had NO_x emission rates up to 0.14 lb/MMBtu for 78 hrs, EPN DB108 had NO_x emission rates up to 0.10 lb/MMBtu for 148 hrs, and EPN DB109 had firing rates up to 0.10 lb/MMBtu for 154 hrs, resulting in the unauthorized release of approximately 3,791.7 lbs of NO_x [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No.13; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failed to monitor, with a hydrocarbon gas analyzer, two pumps, 38 valves, and 20 flanges/connectors in the Olefins 2 Unit (Unit ID No. HVALVEFUG) from April 1, 2006 through July 8, 2008 [30 TEX. ADMIN. CODE §§ 101.20(1)-(3), 115.354(2)(B) and (C), 115.781(b), 116.715(a), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS §§ 60.482-2(a)(1), 60.482-7(a)(1), 63.163(b)(1), 63.168(b), 63.174(a); NSRFP Nos. 95 and PSD-TX-854M2, SC Nos. 34.F., 34.G., 35.G., and 37.A.; FOP No. O-</p>		<p>address the causes leading to the exceedances of:</p> <p>i. The hourly NO_x MAER for the NO_x Furnace Emission Cap-Phase II;</p> <p>ii. The 24-hour average NH₃ concentration limit for Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109; and</p> <p>iii. The NO_x emission rate from Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109.</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 Nos. 2.a.i. through 2.a.iii.</p>
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<p>02327, STC Nos. 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>6) Failed to monitor, with a hydrocarbon gas, analyzer one pump, 133 valves, and 133 flanges/connectors in the Tank Farm (EPN FUG-FTF) from October 1, 2007 through August 14, 2008 [30 TEX. ADMIN. CODE §§ 101.20(1)-(3), 116.715(a), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS §§ 60.482-2(a)(1), 60.482-7(a)(1), 63.163(b)(1), 63.168(b), 63.174(a); NSRFP Nos. 95 and PSD-TX-854M2, SC Nos. 34.F., 34.G., 35.G., and 37.A.; FOP No. O-02327, STC Nos. 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>7) Failed to comply with the carbon monoxide ("CO") hourly MAER for the Furnace Emission Cap-Phase I. Specifically, the Respondent exceeded the CO permitted hourly MAER of 184.22 lb/hr for a total of 26 hrs resulting in the unauthorized release of approximately 450.34 lbs of CO from April 17, 2008 through May 5, 2008 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>8) Failed to comply with the NH₃ hourly MAER for the Furnace Emission Cap-Phase I for Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109. Specifically, the furnaces exceeded the NH₃ hourly emission rate of 11.93 lb/hr from October 3 through 31, 2007 for a total of 102 hrs, resulting in the unauthorized release of approximately 394.97 lbs of NH₃ [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	
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Additional ID No(s): Air Account BL0002S

Attachment A
Docket Number: 2010-1421-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: INEOS USA LLC

Penalty Amount: Three Hundred Twenty-Nine Thousand Four Hundred Twenty-One Dollars (\$329,421)

SEP Offset Amount: One Hundred Sixty-Four Thousand Seven Hundred Ten Dollars (\$164,710)

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 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 scrappage 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 (NO_x), 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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Aug-2010	Screening	30-Aug-2010	EPA Due	
	PCW	11-Jan-2011				

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.	40310	No. of Violations	8
Docket No.	2010-1421-AIR-E	Order Type	1660
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	\$90,000
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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.

Compliance History	372.0% Enhancement	Subtotals 2, 3 & 7	\$334,800
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Notes
Enhancement for 10 same/similar NOVs, 12 dissimilar NOVs, 10 orders with denial, and four orders without denial. Reduction for two NOIs.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$15,000
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,287
Approx. Cost of Compliance	\$16,120

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$409,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.5%	Adjustment	\$1,976
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
The avoided cost for failing to monitor components (Violation Nos. 5 and 6),

Final Penalty Amount	\$411,776
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$411,776
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DEFERRAL	20.0% Reduction	Adjustment	-\$82,355
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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.

PAYABLE PENALTY	\$329,421
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Screening Date 30-Aug-2010

Docket No. 2010-1421-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 40310

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>)	10	50%
	Other written NOVs	12	24%
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%

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) 372%

>> 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 10 same/similar NOVs, 12 dissimilar NOVs, 10 orders with denial, and four orders without denial. Reduction for two NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 372%

Screening Date 30-Aug-2010

Docket No: 2010-1421-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 40310

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 §§ 101.20(3), 116.715(a), and 122.143(4); New Source Review Flexible Permit ("NSRFP") Nos. 95 and PSD-TX-854M2, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O-02327, Special Terms and Conditions ("STC") No. 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the nitrogen oxides ("NOx") annual maximum allowable emission rate ("MAER") for the NOx Other Source Routine Emission Cap. Specifically, the Respondent exceeded the rolling 12-month NOx permitted annual MAER of 86.91 tons per year for the NOx Other Source Routine Emissions from October 2007 through January 2008, resulting in the unauthorized release of 80.36 tons, in this four-month period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual/Potential), Harm (Major/Moderate/Minor), and Percent (50%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and 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 4 Number of violation days 123

Table for event frequency: daily, weekly, monthly (marked with X), quarterly, semiannual, annual, single event.

Violation Base Penalty \$20,000

Four monthly events are recommended from October 1, 2007 through January 31, 2008.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$5,000

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with X), N/A (marked with X).

Notes The NOE was issued on August 5, 2010, and corrective actions were completed on April 20, 2008.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$138

Violation Final Penalty Total \$89,831

This violation Final Assessed Penalty (adjusted for limits) \$89,831

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 40310
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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)	\$5,000	1-Oct-2007	20-Apr-2008	0.55	\$138	n/a	\$138

Notes for DELAYED costs

The estimated cost for additional management oversight from the start date of the violation to corrective action completion date. The Respondent produces hydrogen as a byproduct and sells it to a third party. Due to an extended outage of the Respondent's sole third-party hydrogen customer, excess hydrogen was diverted to the Olefins No. 1 and No. 2 flares resulting in excess NOx emissions. A second hydrogen customer was brought on line to avoid disruptions on shipping hydrogen.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$138

Screening Date 30-Aug-2010
 Respondent INEOS USA LLC
 Case ID No. 40310

Docket No. 2010-1421-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 §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the NOx hourly MAER for the NOx Furnace Emission Cap-Phase II. Specifically, the Respondent exceeded the NOx permitted hourly MAER of 248.95 pounds per hour ("lb/hr") by up to 288.67 lb/hr for a total of 661 hours ("hrs") from November 27, 2007 through August 28, 2008 resulting in the unauthorized release of approximately 14,553 pounds ("lbs") of NOx.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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 4 60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended from November 27, 2007 through August 28, 2008.

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 \$0

Violation Final Penalty Total \$47,428

This violation Final Assessed Penalty (adjusted for limits) \$47,428

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 40310
Req. 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 3.

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

\$0

TOTAL

\$0

Screening Date 30-Aug-2010

Docket No. 2010-1421-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 40310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Mirlam Hall

Violation Number 3

Rule Cite(s)

30 Tex. Adm. Code § 117.310(c)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the 24-hour average ammonia ("NH3") concentration to 10 parts per million by volume ("ppmv") for Pyrolysis Furnaces Emission Point Nos. ("EPN"s) DB105, DB106, DB107, DB108, and DB109 from October 2, 2007 through September 24, 2008. Specifically, EPN DB105 had concentrations up to 50 ppmv for 2,948 hrs, EPN DB106 had concentrations up to 32 ppmv for 1,808 hrs, EPN DB107 had concentrations up to 15 ppmv for 362 hrs, EPN DB108 had concentrations up to 31 ppmv for 1,557 hrs, and EPN DB109 had concentrations up to 45 ppmv for 2,264 hrs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to significant emissions which would 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 4

357 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended from October 2, 2007 through September 24, 2008.

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 \$895

Violation Final Penalty Total \$47,428

This violation Final Assessed Penalty (adjusted for limits) \$47,428

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 40310
Req. 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$5,000	2-Oct-2007	30-Apr-2011	3.58	\$895	n/a	\$895

Notes for DELAYED costs

The estimated cost to modify policies and procedures to limit emissions to the permitted limits 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)

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

	\$5,000				TOTAL		\$895
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Screening Date 30-Aug-2010

Docket No. 2010-1421-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 40310

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(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 13; FOP No. O-02327, STC No. 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the NOx emission rate from Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109 to below 0.05 pounds per million British thermal units ("lb/MMBtu") from October 22, 2007 through September 29, 2008. Specifically, EPN DB105 had NOx emission rates up to 0.17 lb/MMBtu for 52 hrs, EPN DB106 had NOx emission rates up to 0.13 lb/MMBtu for 52 hrs, EPN DB107 had NOx emission rates up to 0.14 lb/MMBtu for 78 hrs, EPN DB108 had NOx emission rates up to 0.10 lb/MMBtu for 148 hrs, and EPN DB109 had NOx emission rates up to 0.10 lb/MMBtu for 154 hrs, resulting in the unauthorized release of approximately 3,791.7 lbs of NOx.

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 4 108 Number of violation days

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

Violation Base Penalty \$10,000

Four quarterly events are recommended.

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 \$0

Violation Final Penalty Total \$47,428

This violation Final Assessed Penalty (adjusted for limits) \$47,428

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 40310
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 3.

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

\$0

TOTAL

\$0

Screening Date 30-Aug-2010
Respondent INEOS USA LLC
Case ID No. 40310
Reg. Ent. Reference No. RN100238708
Media [Statute] Air
Enf. Coordinator Miriam Hall

Docket No.: 2010-1421-AIR-E

PCW

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

Violation Number 5
Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1)-(3), 115.354(2)(B) and (C), 115.781(b), 116.715(a), and 122.143(4); 40 Code of Federal Regulations §§ 60.482-2(a)(1), 60.482-7(a)(1), 63.163(b)(1), 63.168(b), 63.174(a); NSRFP Nos. 95 and PSD-TX-854M2, SC Nos. 34.F., 34.G., 35.G., and 37.A.; POP No. O-02327, STC Nos. 1.A. and 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to monitor, with a hydrocarbon gas analyzer, two pumps, 38 valves, and 20 flanges/connectors in the Olefins 2 Unit [Unit Identification ("ID") No. HVALVEFUG] from April 1, 2006 through July 8, 2008.

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. The estimated emissions for this violation are 6.24 tons per year of volatile organic compounds ("VOC").

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$25,000

Ten quarterly events are recommended for April 1, 2006 through July 8, 2008.

Good Faith Efforts to Comply

25.0% Reduction

\$6,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	X	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent came into compliance on July 8, 2008, and the NOE was issued on August 5, 2010.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$972

Violation Final Penalty Total \$112,289

This violation Final Assessed Penalty (adjusted for limits) \$112,289

Economic Benefit Worksheet

Respondent: INEOS USA LLC
Case ID No.: 40310
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Apr-2006	8-Jul-2008	2.27	\$170	n/a	\$170

Notes for DELAYED costs

The estimated cost of additional oversight from the first day of violation to the compliance 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	\$336	1-Apr-2006	8-Jul-2008	2.27	\$38	\$763	\$801
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

The estimated avoided cost for failing to monitor 60 components at 60 cents per component per monitoring period. The valves and pumps were required to be monitored monthly, and the connectors were required to be monitored quarterly. The Date Required is the first date of the first missed monitoring period, and the Final Date is the compliance date.

Approx. Cost of Compliance

\$1,836

TOTAL

\$972

Screening Date 30-Aug-2010
Respondent INEOS USA LLC
Case ID No. 40310
Reg. Ent. Reference No. RN100238708
Media [Statute] Air
Enf. Coordinator Miriam Hall

Docket No. 2010-1421-AIR-E

PCW

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

Violation Number 6

Rule Cite(s) 30.Tex. Admin. Code §§ 101.20(1)-(3), 115.354(2)(B) and (C), 116.715(a), and 122.143(4); 40 Code of Federal Regulations §§ 60.482-2(a)(1), 60.482-7(a)(1), 63.163(b)(1), 63.168(b), 63.174(a); NSRFP No. 95 and PSD-TX-854M2, SC Nos. 34.F., 34.G., 35.G., and 37.A.; FOP No. O-02927, STC Nos. 1.A. and 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to monitor, with a hydrocarbon gas analyzer, one pump, 133 valves, and 133 flanges/connectors in the Tank Farm (EPN EUG-FTF) from October 1, 2007 through August 14, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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. The estimated emissions from this violation are 13.42 tons of VOC.

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 \$10,000

Four quarterly events are recommended for October 1, 2007 through August 14, 2008.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes

The corrective actions were completed by August 14, 2008, and the NOE was issued on August 5, 2010.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,240

Violation Final Penalty Total \$44,916

This violation Final Assessed Penalty (adjusted for limits) \$44,916

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 40310
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Oct-2007	14-Aug-2008	0.87	\$65	n/a	\$65

Notes for DELAYED costs

The estimated cost of additional oversight from the first day of violation to the compliance 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	\$1,284	1-Oct-2007	14-Aug-2008	0.87	\$56	\$1,119	\$1,175
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

The estimated avoided cost for failing to monitor 267 components at 60 cents per component per monitoring period. The valves and pumps were required to be monitored monthly, and the connectors were required to be monitored quarterly. The Date Required is the first date of the first missed monitoring period, and the Final Date is the compliance date.

Approx. Cost of Compliance

\$2,784

TOTAL

\$1,240

Screening Date 30-Aug-2010
Respondent INEOS USA LLC
Case ID No. 40310
Reg. Ent. Reference No. RN100238708
Media [Statute] Air
Enf. Coordinator Miriam Hall

Docket No. 2010-1421-AIR-E

PCW

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

Violation Number 7

Rule Cite(s)
 30-Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the carbon monoxide ("CO") hourly MAER for the Furnace Emission Cap-Phase I. Specifically, the Respondent exceeded the CO permitted hourly MAER of 184.22 lb/hr for a total of 26 hrs resulting in the unauthorized release of approximately 450.34 lbs of CO from April 17, 2008 through May 5, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

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.

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 Respondent came into compliance on May 5, 2008, and the NOE was issued on August 5, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$11,229

This violation Final Assessed Penalty (adjusted for limits) \$11,229

Economic Benefit Worksheet

Respondent: INEOS USA LLC
Case ID No.: 40310
Reg. Ent. Reference No.: RN100238708
Media: Air
Violation No.: 7

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	17-Apr-2008	5-May-2008	0.05	\$1	n/a	\$1

Notes for DELAYED costs

The estimated cost of adjusting the excess air feed from the first day of violation to the compliance 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

\$500

TOTAL

\$1

Screening Date 30-Aug-2010

Docket No. 2010-1421-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 40310

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327; STC No. 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the NH3 hourly MAER for the Furnace Emission Cap-Phase I for Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109. Specifically, the furnaces exceeded the NH3 hourly emission rate of 11.93 lb/hr from October 3 through 31, 2007 for a total of 102 hrs, resulting in the unauthorized release of approximately 394.97 lbs of NH3.

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

11 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 October 3 through 31, 2007.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The NOE was issued August 5, 2010 and corrective actions were completed October 31, 2007.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$11,229

This violation Final Assessed Penalty (adjusted for limits) \$11,229

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 40310
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	3-Oct-2007	31-Oct-2007	0.08	\$2	n/a	\$2

Notes for DELAYED costs

The estimated cost for making process adjustments to lower the NOx target to reduce NH3 usage from the first day of violation to the compliance 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

\$500

TOTAL

\$2

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
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S
	AIR OPERATING PERMITS	PERMIT	1353
	AIR OPERATING PERMITS	PERMIT	2327
	WASTEWATER	PERMIT	WQ0001333000
	WASTEWATER	EPA ID	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	EPA ID	TXD050309012
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30042
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50121
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30042
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0002S
Location:	2 MI S OF THE INTERSECTION OF FM 2917 AND FM 2004, Alvin, Texas		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 26, 2010		
Agency Decision Requiring Compliance History:	Enforcement		

Compliance Period:

August 26, 2005 to August 26, 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.)

1	08/29/2005	(407005)
2	08/30/2005	(418277)
3	09/08/2005	(337658)
4	09/08/2005	(372077)
5	09/08/2005	(375408)
6	09/16/2005	(440768)
7	09/21/2005	(431548)
8	10/10/2005	(432962)
9	10/13/2005	(440769)
10	10/13/2005	(440770)
11	11/03/2005	(431679)
12	11/18/2005	(468323)
13	12/05/2005	(397651)
14	12/20/2005	(468322)
15	12/20/2005	(468324)
16	01/12/2006	(451532)
17	01/12/2006	(451560)
18	01/26/2006	(437271)
19	01/26/2006	(437342)
20	01/26/2006	(438227)
21	01/27/2006	(451469)
22	02/15/2006	(468321)
23	02/16/2006	(436530)
24	02/24/2006	(438700)
25	02/24/2006	(450737)
26	02/24/2006	(450766)
27	02/24/2006	(450771)
28	02/24/2006	(454384)
29	02/27/2006	(440360)
30	02/27/2006	(449481)
31	02/27/2006	(450755)
32	02/28/2006	(333721)
33	02/28/2006	(435662)
34	02/28/2006	(437776)
35	02/28/2006	(450758)
36	03/17/2006	(498116)
37	03/20/2006	(438702)
38	03/20/2006	(454973)
39	03/20/2006	(454984)
40	04/19/2006	(449649)
41	04/21/2006	(498117)
42	04/24/2006	(459777)
43	04/24/2006	(460166)
44	04/24/2006	(460197)
45	04/28/2006	(453217)
46	05/04/2006	(462911)
47	05/09/2006	(453215)
48	05/10/2006	(451219)

49	05/15/2006	(454640)
50	05/16/2006	(498118)
51	05/17/2006	(462063)
52	05/19/2006	(453213)
53	06/19/2006	(498119)
54	06/30/2006	(482249)
55	07/06/2006	(485562)
56	07/07/2006	(483768)
57	07/07/2006	(483977)
58	07/07/2006	(484327)
59	07/17/2006	(498120)
60	07/21/2006	(484894)
61	07/21/2006	(485159)
62	07/27/2006	(465816)
63	08/09/2006	(375409)
64	08/16/2006	(520130)
65	09/01/2006	(488185)
66	09/01/2006	(488258)
67	09/01/2006	(488259)
68	09/01/2006	(488316)
69	09/01/2006	(488416)
70	09/01/2006	(488461)
71	09/01/2006	(488482)
72	09/01/2006	(489158)
73	09/01/2006	(497259)
74	10/10/2006	(511470)
75	10/10/2006	(514525)
76	10/12/2006	(520131)
77	10/17/2006	(515418)
78	11/08/2006	(544398)
79	11/17/2006	(544397)
80	11/27/2006	(455008)
81	12/06/2006	(518260)
82	12/12/2006	(544399)
83	12/19/2006	(532142)
84	01/12/2007	(544400)
85	01/16/2007	(534803)
86	01/17/2007	(567358)
87	02/07/2007	(544396)
88	02/22/2007	(437530)
89	02/23/2007	(437902)
90	02/26/2007	(489773)
91	02/26/2007	(541487)
92	02/28/2007	(541747)
93	03/12/2007	(575151)
94	03/13/2007	(455785)
95	03/22/2007	(541397)
96	03/23/2007	(460443)
97	04/03/2007	(461307)
98	04/09/2007	(541411)
99	04/11/2007	(461770)
100	04/13/2007	(532653)
101	04/16/2007	(575152)
102	05/03/2007	(554914)
103	05/10/2007	(555702)
104	05/18/2007	(568214)
105	05/18/2007	(575153)
106	05/18/2007	(652283)
107	05/21/2007	(511619)

108	05/25/2007	(560317)
109	06/06/2007	(562013)
110	06/11/2007	(575154)
111	06/25/2007	(564693)
112	07/11/2007	(454997)
113	07/12/2007	(575155)
114	07/19/2007	(567658)
115	07/23/2007	(566724)
116	07/23/2007	(567132)
117	07/30/2007	(568409)
118	08/07/2007	(575156)
119	08/10/2007	(562140)
120	08/10/2007	(563070)
121	08/10/2007	(652667)
122	08/31/2007	(565801)
123	09/18/2007	(607523)
124	09/18/2007	(607524)
125	09/19/2007	(570290)
126	09/19/2007	(574167)
127	09/28/2007	(565477)
128	10/04/2007	(565852)
129	10/04/2007	(565854)
130	10/10/2007	(565963)
131	10/10/2007	(565967)
132	10/10/2007	(566452)
133	10/10/2007	(566839)
134	10/10/2007	(566915)
135	10/11/2007	(566941)
136	10/11/2007	(566955)
137	10/18/2007	(569974)
138	10/19/2007	(566487)
139	10/19/2007	(566879)
140	11/06/2007	(600100)
141	11/08/2007	(619477)
142	11/09/2007	(594021)
143	11/09/2007	(594251)
144	11/09/2007	(594360)
145	11/09/2007	(594738)
146	11/13/2007	(574346)
147	11/15/2007	(653032)
148	11/16/2007	(594670)
149	11/16/2007	(594676)
150	11/16/2007	(594681)
151	11/19/2007	(594880)
152	11/26/2007	(569987)
153	11/26/2007	(570225)
154	11/27/2007	(570543)
155	12/04/2007	(566947)
156	12/05/2007	(619478)
157	12/06/2007	(710683)
158	12/20/2007	(599302)
159	01/02/2008	(599812)
160	01/03/2008	(611841)
161	01/08/2008	(600585)
162	01/10/2008	(609407)
163	01/18/2008	(611544)
164	01/25/2008	(609712)
165	02/08/2008	(600663)
166	02/08/2008	(609244)

167	02/08/2008	(609996)
168	02/08/2008	(610061)
169	02/08/2008	(610221)
170	02/08/2008	(610485)
171	02/08/2008	(611533)
172	02/08/2008	(611999)
173	02/08/2008	(612004)
174	02/08/2008	(612681)
175	02/08/2008	(652098)
176	02/13/2008	(671984)
177	02/15/2008	(618820)
178	02/20/2008	(570269)
179	03/06/2008	(636901)
180	03/06/2008	(671985)
181	03/10/2008	(597253)
182	03/13/2008	(614947)
183	03/18/2008	(615544)
184	03/18/2008	(615545)
185	03/18/2008	(615556)
186	03/18/2008	(615557)
187	03/26/2008	(671987)
188	03/31/2008	(616611)
189	03/31/2008	(616733)
190	04/04/2008	(618108)
191	04/07/2008	(671986)
192	04/21/2008	(639800)
193	05/07/2008	(654421)
194	05/09/2008	(637781)
195	05/12/2008	(689902)
196	05/16/2008	(639937)
197	05/16/2008	(639984)
198	05/16/2008	(640018)
199	05/23/2008	(640200)
200	06/10/2008	(689903)
201	06/26/2008	(683110)
202	06/27/2008	(684063)
203	06/30/2008	(671377)
204	06/30/2008	(671397)
205	07/07/2008	(641625)
206	07/15/2008	(681456)
207	07/28/2008	(687478)
208	08/14/2008	(686668)
209	08/19/2008	(687694)
210	08/22/2008	(687895)
211	08/29/2008	(701306)
212	09/05/2008	(710684)
213	09/23/2008	(710685)
214	09/23/2008	(710687)
215	10/21/2008	(682299)
216	10/27/2008	(657228)
217	10/28/2008	(685844)
218	10/29/2008	(636605)
219	11/10/2008	(700448)
220	11/10/2008	(705593)
221	11/10/2008	(710686)
222	12/10/2008	(727445)
223	12/10/2008	(727446)
224	02/03/2009	(722657)
225	02/03/2009	(750205)

226	02/05/2009	(722823)
227	02/05/2009	(722848)
228	02/10/2009	(726338)
229	02/20/2009	(689406)
230	02/20/2009	(689422)
231	02/27/2009	(724203)
232	03/04/2009	(750206)
233	03/18/2009	(738007)
234	03/18/2009	(738050)
235	04/01/2009	(750208)
236	04/08/2009	(750207)
237	04/18/2009	(741058)
238	04/24/2009	(737309)
239	04/27/2009	(737963)
240	05/05/2009	(739628)
241	05/05/2009	(739755)
242	05/15/2009	(737333)
243	05/15/2009	(742437)
244	05/15/2009	(742470)
245	05/15/2009	(742611)
246	05/15/2009	(768312)
247	06/09/2009	(739816)
248	06/09/2009	(768313)
249	06/30/2009	(746227)
250	07/16/2009	(748313)
251	07/16/2009	(748315)
252	07/27/2009	(725190)
253	08/07/2009	(741172)
254	08/14/2009	(749587)
255	08/17/2009	(764639)
256	08/20/2009	(724204)
257	08/20/2009	(766649)
258	09/02/2009	(760233)
259	09/02/2009	(760551)
260	09/02/2009	(761259)
261	09/03/2009	(761249)
262	09/03/2009	(761268)
263	09/18/2009	(763553)
264	09/28/2009	(762141)
265	09/28/2009	(763026)
266	09/30/2009	(764855)
267	09/30/2009	(764874)
268	10/01/2009	(765567)
269	10/08/2009	(766406)
270	11/05/2009	(746389)
271	11/09/2009	(804520)
272	11/10/2009	(746109)
273	12/02/2009	(778933)
274	12/07/2009	(804521)
275	12/17/2009	(784082)
276	12/22/2009	(780308)
277	12/23/2009	(777974)
278	01/05/2010	(778214)
279	01/11/2010	(804522)
280	01/22/2010	(780824)
281	01/22/2010	(787933)
282	01/26/2010	(787753)
283	01/27/2010	(789059)
284	02/08/2010	(804519)

285 02/17/2010 (789378)
 286 02/24/2010 (792058)
 287 03/04/2010 (830831)
 288 03/12/2010 (795191)
 289 04/07/2010 (830832)
 290 04/19/2010 (796648)
 291 04/23/2010 (795826)
 292 04/23/2010 (795943)
 293 05/10/2010 (800560)
 294 05/13/2010 (830833)
 295 05/17/2010 (801639)
 296 05/26/2010 (802444)
 297 05/27/2010 (793072)
 298 06/08/2010 (824682)
 299 06/10/2010 (801866)
 300 06/15/2010 (846251)
 301 06/17/2010 (824648)
 302 06/23/2010 (802202)
 303 06/24/2010 (802766)
 304 07/09/2010 (826424)
 305 07/13/2010 (795013)
 306 07/14/2010 (826434)
 307 07/21/2010 (841099)
 308 07/28/2010 (825561)
 309 08/04/2010 (747496)
 310 08/09/2010 (824509)

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(l)
 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)

Description:	5C THSC Chapter 382 382.085(b) STC 1A OP Failure to repair four leaking pumps.	Classification:	Minor
Self Report?	NO		
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.	Classification:	Moderate
Self Report?	NO		
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.	Classification:	Minor
Self Report?	NO		
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.	Classification:	Minor
Self Report?	NO		
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.	Classification:	Moderate
Self Report?	NO		
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.	Classification:	Moderate
Self Report?	NO		
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.	Classification:	Minor
Self Report?	NO		
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.	Classification:	Moderate
Self Report?	NO		
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.	Classification:	Minor
Self Report?	NO		
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%.	Classification:	Minor
Self Report?	NO		
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.	Classification:	Minor
Self Report?	NO		
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)		

Description: SC 1 PA
 STC 19 OP
 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.
 Date: 05/31/2010 (846251) 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: 08/05/2010 (747496) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THSC Chapter 382 382.085(b)

Description: Failure to limit Cogen HRSG boiler firing rate to 213 MMBtu/hr. Category B violation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain solvent make up records. Category C 3 violation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(2)(D)(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain proper freeboard level on degreasers. Category C 7 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
 5C THSC Chapter 382 382.085(b)

Description: Failure to install fuel flow-meters. Category C 7 violation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)
 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)
 Special Condition 1A OP

Description: Failure to repair two pumps on delay of repair (DOR). Category C 7 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
 5C THSC Chapter 382 382.085(b)
 Special Condition 34E PA
 Special Conditions 1A, 18 OP

Description: Failure to cap/plug open-ended lines in VOC/HAPS/HRVOC service. Category C 10 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THSC Chapter 382 382.085(b)

Special Condition 34I PA
 Special Conditions 1A, 18 OP
 Description: Failure to repair valves on required time frame.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 PA
 Special Conditions 1A and 18 OP
 Description: Failure to operate flares without visible emissions.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5(B)(i) OP
 Description: Failure to operate waste gas units/furnaces within opacity limit. Category C 7 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to include T-301, T-304 vents in the new source performance standards (NSPS) applicability in the Federal Operating Permit (FOP) #O-02327. Category C 7 violation.
 Self Report? NO Classification: Minor
 Citation: 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)
 Special Condition 1A OP
 Description: Failure to perform required initial engine test. Category C 1 violation.
 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)
 Special Condition 1A OP
 Description: Failure to conduct stationary emergency diesel engine test at a required time.
 Self Report? NO Classification: Moderate
 Citation: 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)
 Special Condition 1A OP
 Description: Failure to maintain carbon monoxide (CO) less than 400 ppmv. Category B 14 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to sample a highly reactive volatile organic compound (HRVOC) analyzer. Category C 1 violation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to conduct continuous emission monitoring system (CEMS) daily zero span check.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 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 Part 63, Subpart A 63.11(b)(7)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11A PA

Special Conditions 1A, 18 OP
 Description: Failure to maintain flare velocity. CATEGORY C 4 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11A PA
 Special Conditions 1A, 18 OP
 Description: Failure to maintain flare hourly net heating value at 300 Btu/SCF.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to equip sample connection system with a closed-purge.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18 OP
 Special Condition 38 PA
 Description: Failure to maintain aqueous ammonia audio, visual, olfactory (AVO) record.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to identify a component in highly-reactive volatile organic compound (HRVOC) service. Category C 7 violation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to document time in the daily flare visible emission log. Category C 3 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18 OP
 Special Condition 43H PA
 Description: Failure to demonstrate ninety five percent valid emission with predictive emission monitoring system (PEMS). Category C 1 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 117, SubChapter G 117.8100(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 41 PA
 Special Conditions 1A, 18 OP
 Description: Failure to continuously maintain and operate continuous emission monitoring system (CEMS). Category C 1 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to submit a complete deviation report.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PA
 Special Condition 18 OP
 Description: Exceedence of hourly CO limit (MAERT) during relative accuracy test audit

(RATA). Category B 14 violation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(b)(3)
5C THSC Chapter 382 382.085(b)
Special Condition 8 PA
Special Conditions 1A, 18 OP
Description: Failure to close tank hatch. Category C 1 violation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
Special Condition 8 PA
Special Conditions 1A, 18 OP
Description: Failure to submit an application to substitute a prior flare performance test within ninety days. Category B 3 violation.

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. 2010-1421-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical plant at Farm-to-Market Road 2004, 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 Respondent consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 10, 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 Four Hundred Eleven Thousand Seven Hundred Seventy-Six Dollars (\$411,776) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Sixty-Four Thousand Seven Hundred Eleven Dollars (\$164,711) of the administrative penalty and Eighty-Two Thousand Three Hundred Fifty-Five Dollars (\$82,355) 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. One Hundred Sixty-Four Thousand Seven Hundred Ten Dollars (\$164,710) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On April 20, 2008, in order to prevent exceedances of the nitrogen oxides ("NO_x") maximum allowable emission rate ("MAER") for the NO_x Other Source Routine Emission Cap from flaring excess hydrogen at the Olefins No. 1 and No. 2 Flares, a second hydrogen customer was brought on line to avoid disruptions on shipping hydrogen;
 - b. On July 8, 2008, began monitoring 60 components in the Olefins 2 Unit [Unit Identification ("ID") No. HVALVEFUG] with a hydrogen gas analyzer that had not been previously identified as being in volatile organic compound ("VOC") service;
 - c. On August 14, 2008, began monitoring 267 components in the Tank Farm [Emission Point No. ("EPN") FUG-FTF] with a hydrogen gas analyzer that had not been previously identified as being in VOC service;
 - d. On May 5, 2008, adjusted the excess air feed on the Pyrolysis Furnaces to reduce hourly carbon monoxide ("CO") emissions; and
 - e. On October 31, 2007, made process adjustments to lower the NO_x target to reduce ammonia ("NH₃") usage and emissions.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the NO_x annual MAER for the NO_x Other Source Routine Emission Cap, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); New Source Review Flexible Permit ("NSRFP") Nos. 95 and PSD-TX-854M2, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O-02327, Special Terms and Conditions ("STC") No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009. Specifically, the Respondent exceeded the rolling 12-month NO_x permitted annual MAER of 86.91 tons per year for the NO_x Other Source Routine Emissions from October 2007 through January 2008, resulting in the unauthorized release of 80.36 tons in this four-month period.
2. Failed to comply with the NO_x hourly MAER for the NO_x Furnace Emission Cap-Phase II, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009. Specifically, the Respondent exceeded the NO_x permitted hourly MAER of 248.95 pounds per hour ("lb/hr") by up to 288.67 lb/hr for a total of 661 hours ("hrs") from November 27, 2007 through August 28, 2008 resulting in the unauthorized release of approximately 14,553 pounds ("lbs") of NO_x.
3. Failed to limit the 24-hour average NH₃ concentration to 10 parts per million by volume ("ppmv") for Pyrolysis Furnaces EPN DB105, DB106, DB107, DB108, and DB109 from October 2, 2007 through September 24, 2008, in violation of 30 TEX. ADMIN. CODE § 117.310(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009. Specifically, EPN DB105 had concentrations up to 50 ppmv for 2,948 hrs, EPN DB106 had concentrations up to 32 ppmv for 1,808 hrs, EPN DB107 had concentrations up to 15 ppmv for 362 hrs, EPN DB108 had concentrations up to 31 ppmv for 1,557 hrs, and EPN DB109 had concentrations up to 45 ppmv for 2,264 hrs.
4. Failed to limit the NO_x emission rate from Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109 to below 0.05 pounds per million British thermal units ("lb/MMBtu") from October 22, 2007 through September 29, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No.13; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009. Specifically, EPN DB105 had NO_x emission rates up to 0.17 lb/MMBtu for 52 hrs, EPN DB106 had NO_x emission rates up to 0.13 lb/MMBtu for 52 hrs, EPN DB107 had NO_x emission rates up to 0.14 lb/MMBtu for 78 hrs, EPN DB108 had NO_x emission rates

up to 0.10 lb/MMBtu for 148 hrs, and EPN DB109 had firing rates up to 0.10 lb/MMBtu for 154 hrs, resulting in the unauthorized release of approximately 3,791.7 lbs of NO_x.

5. Failed to monitor, with a hydrocarbon gas analyzer, two pumps, 38 valves, and 20 flanges/connectors in the Olefins 2 Unit (Unit ID No. HVALVEFUG) from April 1, 2006 through July 8, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1)-(3), 115.354(2)(B) and (C), 115.781(b), 116.715(a), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS §§ 60.482-2(a)(1), 60.482-7(a)(1), 63.163(b)(1), 63.168(b), 63.174(a); NSRFP Nos. 95 and PSD-TX-854M2, SC Nos. 34.F., 34.G., 35.G., and 37.A.; FOP No. O-02327, STC Nos. 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009.
6. Failed to monitor, with a hydrocarbon gas, analyzer one pump, 133 valves, and 133 flanges/connectors in the Tank Farm (EPN FUG-FTF) from October 1, 2007 through August 14, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1)-(3), 115.354(2)(B) and (C), 116.715(a), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS §§ 60.482-2(a)(1), 60.482-7(a)(1), 63.163(b)(1), 63.168(b), 63.174(a); NSRFP Nos. 95 and PSD-TX-854M2, SC Nos. 34.F., 34.G., 35.G., and 37.A.; FOP No. O-02327, STC Nos. 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009.
7. Failed to comply with the CO hourly MAER for the Furnace Emission Cap-Phase I, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009. Specifically, the Respondent exceeded the CO permitted hourly MAER of 184.22 lb/hr for a total of 26 hrs resulting in the unauthorized release of approximately 450.34 lbs of CO from April 17, 2008 through May 5, 2008.
8. Failed to comply with the NH₃ hourly MAER for the Furnace Emission Cap-Phase I for Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4); NSRFP Nos. 95 and PSD-TX-854M2, SC No. 1; FOP No. O-02327, STC No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 7 through 9, 2009. Specifically, the furnaces exceeded the NH₃ hourly emission rate of 11.93 lb/hr from October 3 through 31, 2007 for a total of 102 hrs, resulting in the unauthorized release of approximately 394.97 lbs of NH₃.

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. 2010-1421-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Hundred Sixty-Four Thousand Seven Hundred Ten Dollars (\$164,710) 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement improvements to designs, operations, and/or maintenance practices that address the causes leading to the exceedances of:
 - i. The hourly NO_x MAER for the NO_x Furnace Emission Cap-Phase II;
 - ii. The 24-hour average NH₃ concentration limit for Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109; and
 - iii. The NO_x emission rate from Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109.
 - 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. 3.a.i. through 3.a.iii. 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. 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.

8. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallies

For the Executive Director

4/4/2011

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.

John Harvey III

Signature

2/2/11

Date

John Harvey

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.

Attachment A
Docket Number: 2010-1421-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: INEOS USA LLC

Penalty Amount: Three Hundred Twenty-Nine Thousand Four Hundred Twenty-One Dollars (\$329,421)

SEP Offset Amount: One Hundred Sixty-Four Thousand Seven Hundred Ten Dollars (\$164,710)

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 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 (NO_x), 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.