

**Executive Summary – Enforcement Matter – Case No. 42376**

**INEOS USA LLC**

**RN100238708**

**Docket No. 2011-1585-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Chocolate Bayou Plant, two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004, Alvin, Brazoria County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-1081-AIR-E and 2011-1788-AIR-E

Past-Due Penalties: Yes

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 16, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,000

**Amount Deferred for Expedited Settlement:** \$2,000

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$8,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** \$18,150

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42376**  
**INEOS USA LLC**  
**RN100238708**  
**Docket No. 2011-1585-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** May 25, 2011  
**Date(s) of NOE(s):** August 12, 2011

***Violation Information***

Failed to prevent unauthorized emissions during an emissions event on April 19, 2011 in the Olefins No. 1 Unit during the three hour event (Incident No. 153489). Specifically, the Respondent released 2,955.21 pounds ("lbs") of ethylene, 2,311.14 lbs of carbon monoxide, 761.19 lbs of nitrogen oxides, 180.03 lbs of propane, 166.94 lbs of pentane, 3.30 lbs of 1, 3-butadiene, 0.86 lb of propylene, and 0.39 lb of butenes when a gasket failed and pieces of debris fouled the TVA105B valve, causing it to be stuck in the closed position. The closed valve caused the DB104 furnace to overheat, resulting in flaring of off-spec product. Since the emissions event could have been avoided by better operation and maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 95 and PSD-TX-854M2, Special Conditions No. 1, and Federal Operating Permit No. O2327, Special Terms and Conditions No. 19].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The order will require the Respondent to:

- a. Within 30 days after the effective date of this Agreed Order, update and implement training, maintenance, and operating procedures to prevent a recurrence of emissions events due to similar causes as Incident No. 153489; and
- b. Within 45 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**Executive Summary – Enforcement Matter – Case No. 42376**

**INEOS USA LLC**

**RN100238708**

**Docket No. 2011-1585-AIR-E**

**TCEQ Enforcement Coordinator:** Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.

**TCEQ SEP Coordinator:** N/A

**Respondent:** Theresa Vitek, SHE Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512-1488

David Brackett, Site Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512-1488

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	15-Aug-2011	<b>Screening</b>	24-Aug-2011	<b>EPA Due</b>	
	<b>PCW</b>	26-Aug-2011				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42376	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-1585-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Podlipny
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$5,000**

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

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

**Compliance History** **463.0%** Enhancement **Subtotals 2, 3, & 7** **\$23,150**

Notes: Enhancement for repeat violator status, 12 orders with denial of liability, five orders without denial of liability, ten NOV's with same/similar violations, and 12 NOV's with dissimilar violations. Reduction for one notice of intent to conduct an audit.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$95**  
 Approx. Cost of Compliance **\$1,735**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$28,150**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$28,150**

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

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

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$8,000**

Screening Date 24-Aug-2011

Docket No. 2011-1585-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 42376

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Heather Podlipny

### 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> )	12	240%
	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	5	125%
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> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 438%

>> Repeat Violator (Subtotal 3)

Yes

**Adjustment Percentage (Subtotal 3)** 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

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

>> Compliance History Summary

**Compliance History Notes**

Enhancement for repeat violator status, 12 orders with denial of liability, five orders without denial of liability, ten NOVs with same/similar violations, and 12 NOVs with dissimilar violations. Reduction for one notice of intent to conduct an audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 463%

Screening Date 24-Aug-2011  
 Respondent INEOS USA LLC  
 Case ID No. 42376

Docket No. 2011-1585-AIR-E

PCW

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

Reg. Ent. Reference No. RN100238708  
 Media [Statute] Air  
 Enf. Coordinator Heather Podlipny  
 Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 95 and PSD-TX-854M2, Special Conditions No. 1, and Federal Operating Permit No. O2327, Special Terms and Conditions No. 19

Violation Description

Failed to prevent unauthorized emissions during an emissions event on April 19, 2011 in the Olefins No. 1 Unit during the three hour event (Incident No. 153489). Specifically, the Respondent released 2,955.21 pounds ("lbs") of ethylene, 2,311.14 lbs of carbon monoxide, 761.19 lbs of nitrogen oxides, 180.03 lbs of propane, 166.94 lbs of pentane, 3.30 lbs of 1,3-butadiene, 0.86 lb of propylene, and 0.39 lb of butenes when a gasket failed and pieces of debris fouled the TVA105B valve, causing it to be stuck in the closed position. The closed valve caused the DB104 furnace to overheat, resulting in flaring of off-spec product. Since the emissions event could have been avoided by better operation and maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$5,000

One monthly event is recommended.

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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$95 Violation Final Penalty Total \$28,150

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

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 42376  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas 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)	\$1,735	19-Apr-2011	24-May-2012	1.10	\$95	n/a	\$95

Notes for DELAYED costs

Estimated costs to update and implement training and operating procedures to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,735

**TOTAL**

\$95

# Compliance History

Customer/Respondent/Owner-Operator:	CN602817884	INEOS USA LLC	Classification: AVERAGE	Rating: 4.74
Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 8.69
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		BL0002S
	AIR OPERATING PERMITS	PERMIT		1353
	AIR OPERATING PERMITS	PERMIT		2327
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00028
	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		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	94567
AIR NEW SOURCE PERMITS	REGISTRATION	87813
AIR NEW SOURCE PERMITS	PERMIT	97769
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1262
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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 24, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 24, 2006 to August 24, 2011

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

Name: Heather Podlipny Phone: 239 - 2603

### 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: 9/1/2010 Repeat Violator: YES

### 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)

5C THSC Chapter 382 382.085(b)

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.

Effective Date: 03/07/2011

ADMINORDER 2010-1059-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(2)

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 unauthorized emissions from the No. 2 Olefins Flare, including more than 1,200 lbs per hour of HRVOC, during an excessive emissions event (Incident No. 135112) which began on January 28, 2010

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from relief valves and the No. 1 Olefins flare during an emissions event (Incident No 135522) on February 6, 2010

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No.1 PERMIT

Description: Failed to prevent unauthorized emissions from the No. 2 Olefins Flare during an emissions event (Incident No. 134543) beginning on January 15, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 8.B. PERMIT

Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from the PP3 Flare and to maintain the flame on the flare during an emissions event (Incident No. 137002) which began on March 13, 2010

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 unauthorized emissions from the No. 1 Olefins Flare during an emissions event (Incident No. 137806) which began on March 31, 2010.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from the DDG-411AN propylene product pump during an emissions event (Incident No. 138184) on April 10, 2010

Effective Date: 05/08/2011

ADMINORDER 2010-0507-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)

5C THSC Chapter 382 382.085(b)

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

Effective Date: 06/20/2011

ADMINORDER 2010-1421-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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)

Rqmt Prov: Special Condition 1 PA  
Special Condition 18 OP

Description: Failed to comply with the NOx annual 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. Category A.12.i.(6) violation.

Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
5C THSC Chapter 382 382.085(b)

Description: Failed to limit the 24-hour average NH3 concentration to 10 ppmv for Pyrolysis Furnaces 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 hrs.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)

Rqmt Prov: Special Condition 13 PA  
Special Condition 18 OP

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,

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter H 115.781(b)  
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 60.482-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-854M2/ SC34.F., 34.G,35.G, 37.A. PA  
Special Conditions 1A, 18 OP

Description: 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.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
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 60.482-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-854M2/SC 34F, 34G, 35G, 37A PA

Special Conditions 1A, 18 OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)

Rqmt Prov: Special Condition 1 PA  
Special Condition 18 OP

Description: Failed to comply with the 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. Category A.12.i.(6) violation.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)

Rqmt Prov: PSD-TX-854M2/ Special Condition 1 PA  
Special Terms and Conditions No. 18 OP

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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)

Rqmt Prov: Special Condition 1 PA  
Special Condition 18 OP

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. Category B 14. This is a repeat Category B violation. Investigation number 636605.

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	08/22/2011	(337989)
2	02/22/2007	(437530)
3	02/23/2007	(437902)
4	07/11/2007	(454997)
5	11/27/2006	(455008)
6	03/13/2007	(455785)
7	03/23/2007	(460443)
8	04/03/2007	(461307)
9	04/11/2007	(461770)

10	09/01/2006	(488185)
11	09/01/2006	(488258)
12	09/01/2006	(488259)
13	09/01/2006	(488316)
14	09/01/2006	(488416)
15	09/01/2006	(488461)
16	09/01/2006	(488482)
17	09/01/2006	(489158)
18	02/26/2007	(489773)
19	09/01/2006	(497259)
20	10/10/2006	(511470)
21	05/21/2007	(511619)
22	10/10/2006	(514525)
23	10/17/2006	(515418)
24	12/06/2006	(518260)
25	10/12/2006	(520131)
26	12/19/2006	(532142)
27	04/13/2007	(532653)
28	01/16/2007	(534803)
29	03/22/2007	(541397)
30	04/09/2007	(541411)
31	02/26/2007	(541487)
32	02/28/2007	(541747)
33	02/07/2007	(544396)
34	11/17/2006	(544397)
35	11/08/2006	(544398)
36	12/12/2006	(544399)
37	01/12/2007	(544400)
38	05/03/2007	(554914)
39	05/10/2007	(555702)
40	05/25/2007	(560317)

41 06/06/2007 (562013)  
42 08/10/2007 (562140)  
43 08/10/2007 (563070)  
44 06/25/2007 (564693)  
45 09/28/2007 (565477)  
46 08/31/2007 (565801)  
47 10/04/2007 (565852)  
48 10/04/2007 (565854)  
49 10/10/2007 (565963)  
50 10/10/2007 (565967)  
51 10/10/2007 (566452)  
52 10/19/2007 (566487)  
53 07/23/2007 (566724)  
54 10/10/2007 (566839)  
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57 10/11/2007 (566941)  
58 12/04/2007 (566947)  
59 10/11/2007 (566955)  
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61 01/17/2007 (567358)  
62 07/19/2007 (567658)  
63 05/18/2007 (568214)  
64 07/30/2007 (568409)  
65 10/18/2007 (569974)  
66 11/26/2007 (569987)  
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71 09/19/2007 (574167)

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86 11/19/2007 (594880)  
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89 01/02/2008 (599812)  
90 11/06/2007 (600100)  
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97 01/25/2008 (609712)  
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99 02/08/2008 (610061)  
100 02/08/2008 (610221)  
101 02/08/2008 (610485)  
102 02/08/2008 (611533)

103 01/18/2008 (611544)  
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105 02/08/2008 (611999)  
106 02/08/2008 (612004)  
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110 03/18/2008 (615545)  
111 03/18/2008 (615556)  
112 03/18/2008 (615557)  
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114 03/31/2008 (616733)  
115 04/04/2008 (618108)  
116 02/15/2008 (618820)  
117 11/08/2007 (619477)  
118 12/05/2007 (619478)  
119 10/29/2008 (636605)  
120 03/06/2008 (636901)  
121 05/09/2008 (637781)  
122 04/21/2008 (639800)  
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124 05/16/2008 (639984)  
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126 05/23/2008 (640200)  
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129 05/18/2007 (652283)  
130 08/10/2007 (652667)  
131 11/15/2007 (653032)  
132 05/07/2008 (654421)  
133 10/27/2008 (657228)

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154 08/29/2008 (701306)  
155 11/10/2008 (705593)  
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172 04/27/2009 (737963)  
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203 09/30/2009 (764855)  
204 09/30/2009 (764874)  
205 10/01/2009 (765567)  
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207 08/20/2009 (766649)  
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209 06/09/2009 (768313)  
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215 12/17/2009 (784082)  
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217 01/22/2010 (787933)  
218 01/27/2010 (789059)  
219 02/17/2010 (789378)  
220 02/24/2010 (792058)  
221 05/27/2010 (793072)  
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223 03/12/2010 (795191)  
224 04/23/2010 (795826)  
225 04/23/2010 (795943)  
226 04/19/2010 (796648)

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229 06/10/2010 (801866)  
230 06/23/2010 (802202)  
231 05/26/2010 (802444)  
232 06/24/2010 (802766)  
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234 02/08/2010 (804519)  
235 11/09/2009 (804520)  
236 12/07/2009 (804521)  
237 01/11/2010 (804522)  
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239 06/17/2010 (824648)  
240 06/08/2010 (824682)  
241 07/28/2010 (825561)  
242 07/09/2010 (826424)  
243 07/14/2010 (826434)  
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246 11/24/2010 (826663)  
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256 07/08/2010 (860846)  
257 11/08/2010 (866088)

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259 08/12/2010 (866812)  
260 01/27/2011 (870365)  
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262 01/12/2011 (872609)  
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264 02/08/2011 (872714)  
265 09/08/2010 (873884)  
266 01/05/2011 (878647)  
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268 01/14/2011 (878920)  
269 01/05/2011 (881211)  
270 09/21/2010 (881485)  
271 01/10/2011 (885126)  
272 03/15/2011 (885405)  
273 03/23/2011 (887208)  
274 11/03/2010 (888014)  
275 04/14/2011 (891799)  
276 03/10/2011 (891868)  
277 03/10/2011 (891871)  
278 03/10/2011 (891874)  
279 03/04/2011 (893279)  
280 02/08/2011 (894375)  
281 03/03/2011 (895466)  
282 12/09/2010 (896219)  
283 03/30/2011 (900038)  
284 01/07/2011 (902288)  
285 04/07/2011 (905461)  
286 04/07/2011 (905464)  
287 06/17/2011 (906755)  
288 04/06/2011 (908551)

289 02/08/2011 (909064)  
 290 06/01/2011 (911882)  
 291 04/28/2011 (914182)  
 292 03/15/2011 (916327)  
 293 08/11/2011 (919653)  
 294 03/31/2011 (924768)  
 295 09/09/2009 (924769)  
 296 10/05/2009 (924770)  
 297 08/22/2011 (936295)  
 298 05/10/2011 (938008)  
 299 08/18/2011 (944175)  
 300 06/10/2011 (945331)  
 301 08/17/2011 (948255)

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

Date: 01/17/2007 (567358) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for Trihalomethanes during the fourth quarter of 2006.

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

Date: 05/18/2007 (568214) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

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

Date: 08/31/2007 (565801) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart VV 60.482-6(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP #O-01353, Special Condition #1A OP  
 FOP #O-01353, Special Condition #6 OP  
 Permit #19868, Special Condition #5E PERMIT

Permit #35735, Special Condition #8E PERMIT  
 Permit #5419, Special Condition #8E PERMIT  
 Description: Failure to seal open-ended lines in a VOC service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP # O-01353, Special Condition #1A OP  
 FOP # O-01353, Special Condition #6 OP  
 Permit #19868, Special Condition #8D PERMIT  
 Permit #35735, Special Condition #4 PERMIT

Description: Failure to prevent flares' on-line analyzers to be out of service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart A 60.18(c)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP #O-01353, Special Condition #1A OP  
 FOP #O-01353, Special Condition #6 OP  
 Permit #35735, Special Condition #3 PERMIT

Description: Failure to prevent visible emissions at the flare.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP #O-01353, Special Condition #6 OP  
 Permit #35735, Special Condition #4 PERMIT

Description: Failure to prevent flare monitoring data for vent flow rate lost due to parametric meter malfunction.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include in four previous deviation reports (May 2005 to October 2006) their failure to submit semi-annual reports of non-repairable HRVOC fugitive emission components to TCEQ Houston Region Office.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent extraordinary repair attempt not completed within 30 days of leak detection for valve in HRVOC service (leaking <10,000 ppmv).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit reports of HRVOC fugitive emissions components that were non-repairable (i.e. placed on delay of repair) to the TCEQ and local agency semi-annually as required until the report covering the period ending December 31, 2006.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to collect samples for total VOC analysis while Polypropylene Unit #2 cooling tower analyzer was out of calibration.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent stationary diesel emergency engine tested between 6 am and 12 noon.

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

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

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

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

Date: 07/15/2008 (681456) CN602817884  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 8B PERMIT  
Description: Failed to prevent the loss of flame at the flare.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Date: 08/22/2008 (687895) CN602817884  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
Description: Failure to prevent flare malfunction.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
Special Condition #8.B PERMIT  
Description: Failure to prevent the loss of flame on the flare.

Date: 10/31/2008 (710686) CN602817884  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (636605) CN602817884  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)  
30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(d)(2)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description: Failure to repair four leaking pumps.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP

Description: Failed to repair leaking components within 15 days.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit HRVOC Delay of Repair report.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct Extra-Ordinary Efforts.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 34E PA  
 STC 19 PA

Description: Failure to seal open ended lines.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 35F PA  
 STC 19 OP

Description: Failure to conduct fugitive monitoring on 216 valves.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 1A OP

Description: Failure to verify leak repairs.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.788(c)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to provide 30 day notification prior to HRVOC Audit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 13 PA  
 STC 19 OP

Description: Failure to maintain hourly NOX emissions within limits.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 1Hi OP

Description: Failure to maintain flare analyzer downtime to less than 5%.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain ammonia emissions less than 10 ppmv.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 1 PA  
 STC 19 OP

Description: Failure to maintain ammonia emissions within the MAERT.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.300  
 30 TAC Chapter 117, SubChapter B 117.340(d)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 1A OP

Description: Failure to monitor ammonia slip.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(ii)  
5C THSC Chapter 382 382.085(b)  
SC 11A PA  
STC 1A OP

Description: Failure to maintain flare exit velocity less than Vmax.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)  
5C THSC Chapter 382 382.085(b)  
SC 11A PA  
STC 1A OP

Description: Failure to maintain net heating content greater than 300 Btu/scf.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.300  
30 TAC Chapter 117, SubChapter B 117.335(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP

Description: Failure to test engine within 60 days.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.300  
30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP

Description: Failure to maintain CO emissions less than 400 ppmv.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 1 PA  
STC 19 OP

Description: Failure to maintain firing rates within limits.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 4B PA  
  
STC 19 OP

Description: Failure to maintain boiler firing rate less than 388 mmbtu/hr.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 49 PA  
STC 19 OP

Description: Failure to record vent stream flow to flare.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 1 PA  
STC 19 OP

Description: Failure to maintain CO emissions within the MAERT.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 3Ai OP

Description: Failure to prevent visible emissions from stationary vents.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038(c)(2)(i)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP

Description: Failure to maintain records of Audio, Visual, Olfactory (AVO) inspections.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 38 PA  
STC 19 OP

Description: Failure to record time during ammonia AVO inspections

Self Report? NO Classification: Minor  
Citation: 1A OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 3 PA

Description: Failure to maintain NOx emissions within limits

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.300  
30 TAC Chapter 117, SubChapter B 117.345(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP

Description: Failure to submit PEMS RATA notification within 15 days.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 7A OP

Description: Failure to prevent engine testing between 6 am and 12 noon.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 2F OP

Description: Failure to submit Emission Event reports to local programs.

Date: 11/10/2008 (700448) CN602817884

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Description: Special Condition 1 PERMIT  
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.

Date: 08/31/2010 (803098) CN602817884  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC #1(A) OP  
 Description: Failure to maintain a copy of the flares (EPNs: P2FLARE, P-3POLY, and P4FLARE) HRVOC monitoring Quality Assurance Plan (QAP). (Category C3)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions #1(A) PERMIT  
 Description: Failure to maintain a copy of the cooling towers (EPNs: P3CWT and P4CWT) HRVOC monitoring QAP which was deleted from the system. [Category C3]  
 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 VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #8E PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to seal one (1) open-ended line discovered in the PP4 Unit. [Category C10]  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #8C PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to prevent visible emissions at the P-3POLY flare. [Category B18]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 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)  
 Special Condition #8A PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to maintain the net heating content for the P-3POLY flare greater than 300 Btu/scf. [Category C4]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 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)  
 Special Condition #3A PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to maintain the net heating content for the P4FLARE greater than 300 Btu/scf. [Category C4]  
 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 Terms and Conditions #1A OP

Description: Failure to prevent emergency generator (EPN:P4EMGEN) on October 29, 2009 from operating between 6 a.m. and 12 noon. [Category C4]

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Condition#3(B)(iv)(1) OP

Description: Failure to conduct visible emission observations on stationary vents once during each quarter from April 1, 2009 through March 31, 2010. [Category B1]

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
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)  
Special Condition #5E PERMIT  
Special Terms and Conditions #1A OP  
Special Terms and Conditions #9 OP

Description: Failure to seal six (6) open-ended lines discovered in the PP3 Unit. [Category C10]

Date: 08/31/2010 (849984) CN602817884

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain a temperature log for the sample storage refrigerator. At the time of the inspection, a temperature log was not being maintained for the sample storage refrigerator. A log must be maintained to ensure the sample refrigerator is operating properly.

Date: 03/09/2011 (895466) CN602817884

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(b)(4)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1(A) OP

Description: Chocolate Bayou plant failed an O2 RATA.(C-1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1(A) OP

Description: Chocolate Bayou plant failed to submit the Compliance Test Report within the 60 day limit.(C-3)

F. Environmental audits.

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. 2011-1585-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 chemical manufacturing plant located two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 17, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Two Thousand Dollars (\$2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On April 20, 2011, made changes to the Distributed Control System graphics in order for the board operator to see the valve position in the field; and
  - b. On August 1, 2011, performed maintenance on the TVA105B valve, including: opening the valve cover, inspecting the valve internals for any damaged parts, inspecting the sealing surfaces, and cleaning and greasing the valve. A preventative maintenance plan schedule was established for every three years.
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 failed to prevent unauthorized emissions during an emissions event on April 19, 2011 in the Olefins No. 1 Unit during the three hour event (Incident No. 153489), in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 95 and PSD-TX-854M2, Special Conditions No. 1, and Federal Operating Permit No. O2327, Special Terms and Conditions No. 19, as documented during an investigation conducted on May 25, 2011. Specifically, the Respondent released 2,955.21 pounds ("lbs") of ethylene, 2,311.14 lbs of carbon monoxide, 761.19 lbs of nitrogen oxides, 180.03 lbs of propane, 166.94 lbs of pentane, 3.30 lbs of 1,3-butadiene, 0.86 lb of propylene, and 0.39 lb of butenes when a gasket failed and pieces of debris fouled the TVA105B valve, causing it to be stuck in the closed position. The closed valve caused the DB104 furnace to overheat, resulting in flaring of off-spec product. Since the emissions event could have been avoided by better operation and maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2011-1585-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, update and implement training, maintenance, and operating procedures to prevent a recurrence of emissions events due to similar causes as Incident No. 153489; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

\_\_\_\_\_  
Date 12-21-11

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 11/4/2011

\_\_\_\_\_  
DAVID BRACKETT  
Name (Printed or typed)  
Authorized Representative of  
INEOS USA LLC

\_\_\_\_\_  
SITE MANAGER  
Title

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