

Executive Summary – Enforcement Matter – Case No. 52035
INEOS USA LLC
RN100238708
Docket No. 2016-0391-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, located 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 No. 2015-0799-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 29, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,125

Amount Deferred for Expedited Settlement: \$2,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,250

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$5,250

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Docket No. 2016-0391-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 8, 2016 through January 22, 2016

Date(s) of NOE(s): March 11, 2016

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 15,261.66 pounds ("lbs") of ethylene, 2,864.27 lbs of nitrogen oxides, and 14,570.89 lbs of carbon monoxide from the No. 2 Olefins Flare, Emission Point Number DDM-3101, during an emissions event (Incident No. 222423) that began on October 30, 2015 and lasted 11 hours. The event occurred when two compressors tripped offline due to a lube oil cooler having an unidentified blind in place, which prevented the cooler from being placed into service. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1353, Special Terms and Conditions No. 13 and General Terms and Conditions, and New Source Review Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On October 31, 2015, the Respondent opened, cleaned, repaired, and removed the blind from the standby lube oil cooler to prevent the recurrence of emissions events due to the same causes as Incident No. 222423.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

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

Executive Summary – Enforcement Matter – Case No. 52035

INEOS USA LLC

RN100238708

Docket No. 2016-0391-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Raime Hayes-Falero, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3567; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Mike Hazel, Plant Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512-1488

Respondent's Attorney: N/A

Attachment A
Docket Number: 2016-0391-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS USA LLC
Payable Penalty Amount:	\$10,500
SEP Offset Amount:	\$5,250
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

INEOS USA LLC
Agreed Order - Attachment A

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

5. Publicity

Any public statements concerning this SEP and/or project, 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. Recognition

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 Attachment A and in the attached 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 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	14-Mar-2016	Screening	15-Mar-2016	EPA Due	
	PCW	25-May-2016				

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.	52035	No. of Violations	1	
Docket No.	2016-0391-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Adjustment **Subtotals 2, 3, & 7**

Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Estimated Cost of Compliance
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 15-Mar-2016

Docket No. 2016-0391-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 4 (April 2014)

Case ID No. 52035

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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 judgments 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>)	1	-2%
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) 214%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 214%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 15-Mar-2016
 Respondent INEOS USA LLC
 Case ID No. 52035

Docket No. 2016-0391-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100238708
 Media [Statute] Air
 Enf. Coordinator Amancio R. Gutierrez
 Violation Number 1

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4),
 Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1353,
 Special Terms and Conditions No. 13 and General Terms and Conditions, and New
 Source Review Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1

Violation Description
 Failed to prevent unauthorized emissions. Specifically, the Respondent released
 15,261.66 pounds ("lbs") of ethylene, 2,864.27 lbs of nitrogen oxides, and
 14,570.89 lbs of carbon monoxide from the No. 2 Olefins Flare, Emission Point
 Number DDM-3101, during an emissions event (Incident No. 222423) that began
 on October 30, 2015 and lasted 11 hours. The event occurred when two
 compressors tripped offline due to a lube oil cooler having an unidentified blind in
 place, which prevented the cooler from being placed into service. Since this
 emissions event could have been prevented by better maintenance practices, the
 Respondent is precluded from asserting an affirmative defense under 30 Tex.
 Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Based on an Air Quality Analysis of the dispersion modeling that was provided by the Respondent,
 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$1,875

Extraordinary	
Ordinary	x
N/A	

Notes
 The Respondent completed corrective actions on
 October 31, 2015, before the March 11, 2016 Notice of
 Enforcement.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Estimated EB Amount \$1

Statutory Limit Test

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 52035
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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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	30-Oct-2015	31-Oct-2015	0.00	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to open, clean, repair, and remove the blind from the standby lube oil cooler to prevent the recurrence of emissions events due to the same causes as Incident No. 222423. The Date Required is the date of the emissions event. The Final Date is the 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

\$5,000

TOTAL

\$1

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN602817884, RN100238708, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN602817884, INEOS USA LLC

Classification: SATISFACTORY

Rating: 5.32

Regulated Entity: RN100238708, CHOCOLATE BAYOU PLANT

Classification: SATISFACTORY

Rating: 16.82

Complexity Points: 33

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 2 MI S OF INTX OF FM 2917 AND FM 2004 ALVIN, TX, BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL0002S
AIR OPERATING PERMITS PERMIT 2327

AIR OPERATING PERMITS PERMIT 1353
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 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 PERMIT PSDTX854

AIR NEW SOURCE PERMITS PERMIT 488A

AIR NEW SOURCE PERMITS PERMIT 491A

AIR NEW SOURCE PERMITS REGISTRATION 1041

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 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 PERMIT PSDTX793

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX983

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642

AIR NEW SOURCE PERMITS REGISTRATION 78483

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX854M2

AIR NEW SOURCE PERMITS REGISTRATION 87813

AIR NEW SOURCE PERMITS REGISTRATION 94567

AIR NEW SOURCE PERMITS PERMIT 97769

AIR NEW SOURCE PERMITS REGISTRATION 119368

AIR NEW SOURCE PERMITS REGISTRATION 131449

AIR NEW SOURCE PERMITS REGISTRATION 136902

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642M2

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX4

WATER LICENSING LICENSE 0200132

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

TXD050309012

REGISTRATION # (SWR) 30042

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0002S

LEAKING PETROLEUM STORAGE TANKS REMEDIATION

ID NUMBER 119333

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: March 14, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 14, 2011 to March 14, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jennifer Nguyen

Phone: (512) 239-6160

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 05/08/2011 ADMINORDER 2010-0507-AIR-E (1660 Order-Agreed Order With Denial)
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.
- 2 Effective Date: 06/20/2011 ADMINORDER 2010-1421-AIR-E (1660 Order-Agreed Order With Denial)
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.

3 Effective Date: 08/27/2011 ADMINORDER 2011-0223-AIR-E (Findings Order-Agreed Order Without Denial)

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: Also Permit PSD-TX-854M2, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions in the Olefins No. 1 Unit on October 7, 2010 (Incident No. 145798)

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
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions in the Olefins No. 1 Unit on October 9, 2010 (Incident No. 145856).
EIC Cat A 12 (i)(6)

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: Failed to prevent unauthorized emissions in the Olefins No. 1 Unit on September 29, 2010 (Incident No. 145451) A8(c)(2)(a)(ii) EPA High Priority Violation.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.987(b)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1A, 18A OP
Special Condition 8 PA

Description: Failed to conduct the initial performance tests on the Olefins 1 and 2 Flares when they became subject to 40 C.F.R Part 63, Subpart FFFF regulations on May 10, 2008. High Priority Violation List (HPV). Attachment A c.(1)(G) violation.

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: Failed to prevent unauthorized emissions in the Olefins No. 2 Unit on October 13, 2010 (Incident No. 146027). EIC Subcategory A(12)(i)(6)

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: Failed to prevent unauthorized emissions in the Olefins Nos. 1 and 2 Units on October 10, 2010 (Incident No. 145871)

4 Effective Date: 11/03/2011 ADMINORDER 2011-0614-AIR-E (1660 Order-Agreed Order With Denial)

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: SC 1 PERMIT
SC1 PERMIT

Description: Ineos failed to prevent unauthorized emissions during Incident No. 148890. Ineos failed to take the tower off DMC control prior to removing an analyzer from service.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)

Description: Ineos failed to report all contaminants released in the final report. Specifically, the final report submitted for Incident No. 148890, failed to specify the release of propylene, 1,3-butadiene, butenes and pentane.

5 Effective Date: 12/19/2011 ADMINORDER 2011-1081-AIR-E (Findings Order-Agreed Order Without Denial)

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: Flex Permit 95 and PSD-TX-854M2, SC 1 PERMIT

ST&C 9 OP

Description: Ineos failed to prevent unauthorized emissions during Incident No. 148890. Ineos failed to prevent an emissions event caused by failing to unblock the steam tracing line and by cracks in the steam tracing line which resulted in the release of unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

5C THSC Chapter 382 382.085(b)

Description: Ineos failed to report totally during Incident No. 148890.

6 Effective Date: 03/03/2012 ADMINORDER 2011-1585-AIR-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov: Special Condition 1 PERMIT

ST & C 19 OP

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 t

7 Effective Date: 07/06/2012 ADMINORDER 2011-1788-AIR-E (1660 Order-Agreed Order With Denial)

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 PERMIT

ST&C 2.F. OP

Description: INEOS failed to prevent unauthorized emissions during Incident No. 155324. INEOS failed to comply with the emissions events reporting requirements that resulted in the release of unauthorized emissions of 79.58 lbs of 1,3 butadiene; 2,900.23 lbs of VOC; 3,483.01 lbs of carbon monoxide; and 683.50 lbs of nitrogen oxides

8 Effective Date: 03/06/2014 ADMINORDER 2013-0999-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 3A(iv) PERMIT

Description: Failure to conduct quarterly visible emissions observations of 51 stationary vents and failure to maintain observation records

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 18 PERMIT

Description: Failure to conduct weekly visible emissions observations of 5 boilers (DB901A, DB901B, DB901C, HB901A, and HB901B) and 1 cogeneration unit (GT-1B) and failure to maintain observation records

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 1A PERMIT

Description: Failure to include benzene emissions associated with a unit turnaround activity in the annual benzene report submitted on April 28, 2011 for the period from April 1, 2010 through March 31, 2011

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.1090

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 1A PERMIT

Description: Failure to submit Initial Notifications for 10 reciprocating internal combustion engines (DCPCOMP1, DCPCOMP2, DCPCOMP3, OLE2COMP1, OLE2COMP2, UTILCMP1, UTILCMP2, UTILCMP3, UTILCMP5, and UTILCMP6) subject to 40 CFR 63, Subpart ZZZZ

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6600(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 1A PERMIT

Description: Failure to meet the formaldehyde limit of 580 ppbvd at 15% O2 for 7 reciprocating internal combustion engines (DCPCOMP1, DCPCOMP3, OLE2COMP1, OLE2COMP2, UTILCMP1, UTILCMP3, and UTILCMP6) that are subject to 40 CFR 63, Subpart ZZZZ

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(h)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 1A PERMIT

Description: Failure to submit Notifications of Compliance Status for 10 reciprocating internal combustion engines (DCPCOMP1, DCPCOMP2, DCPCOMP3, OLE2COMP1, OLE2COMP2, UTILCMP1, UTILCMP2, UTILCMP3, UTILCMP5, and UTILCMP6) subject to 40 CFR 63, Subpart ZZZZ

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6650(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 1A PERMIT

Description: Failure to submit semiannual Compliance reports for 10 reciprocating internal combustion engines (DCPCOMP1, DCPCOMP2, DCPCOMP3, OLE2COMP1, OLE2COMP2, UTILCMP1, UTILCMP2, UTILCMP3, UTILCMP5, and UTILCMP6) subject to 40 CFR 63, Subpart ZZZZ

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.1090
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(d)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Title V O2327, ST&C 1A PERMIT

Description: Failure to submit Initial Notifications by July 16, 2008 for 4 fire water pumps (AG-1203C), AG-1231A, AG-1231B, and AG-203B) that are subject to 40 CFR 63, Subpart ZZZZ

9 Effective Date: 06/29/2014 ADMINORDER 2013-2160-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT
Special Terms & Conditions No. 20 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,606.61 lbs of ethylene, 8,414.91 lbs of carbon monoxide, and 1,656.4 lbs of nitrogen oxides from the EPN DDM-3101, during an emissions event (Incident No. 186246) that began on August 1, 2013 and lasted ten hours and thirty minutes. The emissions event was caused by air left in the process equipment from a unit/system shutdown, which led to the acetylene reactor tripping offline due to high temperature indicators.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Conditions No. 1 PERMIT
Special Terms & Conditions No. 20 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 2,123.59 pounds ("lbs") of

1,3-butadiene from the No. 1 Olefins Cooling Tower, Emission Point Number ("EPN") AT-1210, during an emissions event (Incident No. 186028) that began on July 26, 2013 and lasted seventeen hours. The emissions event occurred when a hard polymer formation on the heat exchanger tube bundle caused the tubes to buckle, allowing hydrocarbon to leak to the cooling water side of the exchanger.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT
Special Terms and Conditions No. 20 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,051.69 lbs of ethylene, 4,219.21 lbs of CO, and 831.51 lbs of NOx from the No. 1 Olefins Flare during an emissions event (Incident No. 187815) that began on September 8, 2013 and lasted seven hours. The emissions event was caused by a jammed valve leading to a pressure swing in the dilution steam system which caused an upset in the Olefins No. 1 Unit resulting in the flaring of off-specification product.

10 Effective Date: 12/07/2014 ADMINORDER 2014-0496-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Terms & Condition 20 OP

Description: Failure to comply with the pounds per hour emissions limits set forth in the MAERT of NSR Permit 95. (CATEGORY A.12.i.6 VIOLATION)

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)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 7 PERMIT
Special Terms & Conditions 20 OP

Description: Failure to operate the HB-901B furnace within the required firing rate and hourly CO limits. (CATEGORY A.12.i.6 VIOLATION)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 15, 2011	(885405)
Item 2	March 23, 2011	(887208)
Item 3	March 30, 2011	(900038)
Item 4	March 31, 2011	(924768)
Item 5	April 06, 2011	(908551)
Item 6	April 07, 2011	(905461)
Item 7	April 28, 2011	(914182)
Item 8	May 10, 2011	(938008)
Item 9	June 01, 2011	(911882)
Item 10	June 10, 2011	(945331)
Item 11	June 21, 2011	(952605)
Item 12	August 11, 2011	(959286)
Item 13	August 17, 2011	(948255)
Item 14	August 18, 2011	(944175)
Item 15	August 22, 2011	(936295)
Item 16	September 08, 2011	(965319)
Item 17	October 19, 2011	(950942)
Item 18	November 08, 2011	(977519)
Item 19	December 06, 2011	(1060815)

Item 20	December 16, 2011	(971210)
Item 21	January 04, 2012	(990587)
Item 22	January 10, 2012	(976895)
Item 23	January 20, 2012	(976892)
Item 24	February 08, 2012	(997948)
Item 25	February 15, 2012	(987611)
Item 26	February 16, 2012	(983940)
Item 27	March 06, 2012	(1003472)
Item 28	April 27, 2012	(996484)
Item 29	May 01, 2012	(996432)
Item 30	May 08, 2012	(1016430)
Item 31	May 09, 2012	(990200)
Item 32	May 18, 2012	(996396)
Item 33	June 01, 2012	(1002071)
Item 34	June 08, 2012	(1031546)
Item 35	June 12, 2012	(1024150)
Item 36	June 27, 2012	(1014044)
Item 37	July 24, 2012	(1019304)
Item 38	August 09, 2012	(1037922)
Item 39	September 05, 2012	(1046652)
Item 40	September 14, 2012	(1023925)
Item 41	October 09, 2012	(1030930)
Item 42	October 15, 2012	(1031134)
Item 43	October 16, 2012	(1034466)
Item 44	October 18, 2012	(1030864)
Item 45	November 08, 2012	(1060816)
Item 46	December 04, 2012	(1060817)
Item 47	December 10, 2012	(1135253)
Item 48	February 06, 2013	(1078928)
Item 49	February 25, 2013	(1057082)
Item 50	March 08, 2013	(1089288)
Item 51	March 26, 2013	(1073193)
Item 52	April 03, 2013	(1095682)
Item 53	May 08, 2013	(1106606)
Item 54	June 06, 2013	(1110283)
Item 55	June 07, 2013	(1093422)
Item 56	June 11, 2013	(1086598)
Item 57	June 17, 2013	(1057913)
Item 58	June 19, 2013	(1095105)
Item 59	July 03, 2013	(1117167)
Item 60	August 08, 2013	(1124923)
Item 61	September 05, 2013	(1129523)
Item 62	October 21, 2013	(1105250)
Item 63	November 06, 2013	(1140652)
Item 64	December 05, 2013	(1147111)
Item 65	December 06, 2013	(1123860)
Item 66	January 07, 2014	(1153180)
Item 67	February 06, 2014	(1160515)
Item 68	February 19, 2014	(1146827)
Item 69	March 06, 2014	(1167160)
Item 70	March 24, 2014	(1174293)
Item 71	April 10, 2014	(1159411)
Item 72	May 07, 2014	(1180481)
Item 73	May 15, 2014	(1152237)
Item 74	June 09, 2014	(1165530)
Item 75	June 16, 2014	(1164743)
Item 76	June 26, 2014	(1198507)
Item 77	July 08, 2014	(1165449)
Item 78	July 16, 2014	(1170196)
Item 79	August 08, 2014	(1198508)
Item 80	September 15, 2014	(1186441)

Item 81	October 07, 2014	(1190346)
Item 82	October 09, 2014	(1170008)
Item 83	November 06, 2014	(1218448)
Item 84	December 05, 2014	(1224227)
Item 85	December 16, 2014	(1296438)
Item 86	January 12, 2015	(1217725)
Item 87	January 14, 2015	(1230754)
Item 88	January 23, 2015	(1215604)
Item 89	February 05, 2015	(1242264)
Item 90	February 06, 2015	(1215066)
Item 91	March 05, 2015	(1248593)
Item 92	March 17, 2015	(1227227)
Item 93	May 06, 2015	(1262203)
Item 94	June 08, 2015	(1269372)
Item 95	June 30, 2015	(1276918)
Item 96	August 05, 2015	(1283095)
Item 97	September 08, 2015	(1290235)
Item 98	September 18, 2015	(1267969)
Item 99	September 23, 2015	(1275003)
Item 100	October 14, 2015	(1281612)
Item 101	November 04, 2015	(1301891)
Item 102	November 23, 2015	(1281594)
Item 103	December 09, 2015	(1308819)
Item 104	December 17, 2015	(1289009)
Item 105	December 29, 2015	(1289837)
Item 106	January 08, 2016	(1315603)
Item 107	January 29, 2016	(1275775)
Item 108	February 23, 2016	(1312837)
Item 109	March 01, 2016	(1305180)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 03/31/2015 (1255493) 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

- 2 Date: 08/12/2015 (1254518) CN602817884
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 5E PERMIT
STC 1A and 13 OP
Description: Open ended lines in VOC and HRVOC service (C10).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GTC and STC 21A OP
Description: Failed to comply with the ozone depleting substance regulations required by 40 CFR 82 (C3).
Self Report? NO Classification: Minor
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 Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
SC 3D PERMIT
STC 1A and 13 OP
Description: Failed to prevent visible emissions from a flare (C4).
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failed to analyze a gas sample from PP4 flare during the analyzer upgrade (C1).
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)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC 9A PERMIT
STC 1A and 13 OP

Description: Failed to maintain hourly average net heating value at 300 Btu/scf for a flare (C4).

F. Environmental audits:

Notice of Intent Date: 05/17/2013 (1095536)
Disclosure Date: 10/29/2013
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)
Description: Failed to identify all waste streams in the original stream report for Benzene waste NESHAP.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1095(b)

Description: Failed to include waste stream update in yearly report.
Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Failed to maintain records of all waste streams.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)

Description: Failed to include vent stream in the initial notification.
Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.126(4)

Description: Failed to maintain records of exempt vents demonstration.
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to obtain authorization for emissions.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)

Description: Failed to include the regulatory applicability for this vent stream in the Title V Permit.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INEOS USA LLC
RN100238708

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2016-0391-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, 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 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"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,250 of the penalty and \$2,625 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$5,250 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the

conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on October 31, 2015, the Respondent opened, cleaned, repaired, and removed the blind from the standby lube oil cooler to prevent the recurrence of emissions events due to the same causes as Incident No. 222423.

II. ALLEGATIONS

During a record review conducted from January 8, 2016 through January 22, 2016, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1353, Special Terms and Conditions No. 13 and General Terms and Conditions, and New Source Review Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1. Specifically, the Respondent released 15,261.66 pounds ("lbs") of ethylene, 2,864.27 lbs of nitrogen oxides, and 14,570.89 lbs of carbon monoxide from the No. 2 Olefins Flare, Emission Point Number DDM-3101, during an emissions event (Incident No. 222423) that began on October 30, 2015 and lasted 11 hours. The event occurred when two compressors tripped offline due to a lube oil cooler having an unidentified blind in place, which prevented the cooler from being placed into service. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2016-0391-AIR-E" to:

Financial Administration Division, Revenue Operations 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 an SEP as set forth in Section I, Paragraph 4. The amount of \$5,250 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ben Monice Jr

For the Executive Director

9/20/16

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

Mike Hazel

Signature

6/27/16

Date

MIKE HAZEL

Name (Printed or typed)
Authorized Representative of
INEOS USA LLC

PLANT MANAGER

Title

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

If mailing address has changed, please check this box and provide the new address below:

Attachment A

Docket Number: 2016-0391-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS USA LLC
Payable Penalty Amount:	\$10,500
SEP Offset Amount:	\$5,250
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

INEOS USA LLC
Agreed Order - Attachment A

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

5. Publicity

Any public statements concerning this SEP and/or project, 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. Recognition

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 Attachment A and in the attached 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.