

Executive Summary – Enforcement Matter – Case No. 48514

INEOS USA LLC

RN100238708

Docket No. 2014-0496-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, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 15, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$170,625

Amount Deferred for Expedited Settlement: \$34,125

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$68,250

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$68,250

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 14, 2014

Date(s) of NOE(s): March 12, 2014

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INEOS USA LLC
RN100238708
Docket No. 2014-0496-AIR-E

Violation Information

1. Failed to comply with permitted emission rates. Specifically, between February 11 and September 29, 2013, the Respondent exceeded the permitted hourly emission rates at Emission Point Nos. ("EPNs") DDB-102A, DDB-102B, DDB-102C, DDB-102D, DB-105, DB-106, DB-107, DB-108, and DB-109, resulting in the unauthorized release of approximately 28,380 pounds ("lbs") of carbon monoxide ("CO") [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O2327, Special Terms and Conditions ("STC") No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with permitted emission rates. Specifically, between April 28 and September 14, 2013, the Respondent exceeded the CO emission rates of 0.037 pound per million British thermal units for 2,327 hours and 14.4 lbs/hr by approximately 9.5 lbs/hr for 1,973 hours at EPN DDB901B, resulting in the unauthorized release of 18,656 lbs of CO [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 2798, Special Conditions Nos. 1 and 7, FOP No. O2327, STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On September 22, 2013, repaired the No. 2 Olefins Unit Steam Boiler, EPN DDB901B, in order to achieve compliance with the permitted emission rates; and
- b. On October 18, 2013, trained operators on the importance of individual furnace emission rates and implemented Distributed Control System alarms to allow operators to respond prior to permit emission rates being reached.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("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. 48514
INEOS USA LLC
RN100238708
Docket No. 2014-0496-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: David Carney, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

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

Respondent: David L. Brackett, CBW Site Manager, INEOS USA LLC, P.O. Box 1488,
Alvin, Texas 77512

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

Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-0496-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS USA LLC
Penalty Amount:	One Hundred Thirty-Six Thousand Five Hundred Dollars (\$136,500)
SEP Offset Amount:	Sixty-Eight Thousand Two Hundred Fifty Dollars (\$68,250)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> 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

INEOS USA LLC
Agreed Order - Attachment A

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. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	17-Mar-2014	Screening	2-Apr-2014	EPA Due	16-Dec-2014
	PCW	22-Apr-2014				

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.	48514	No. of Violations	2
Docket No.	2014-0496-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		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** **\$97,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$97,500**

Notes: Enhancement for four NOV's with same/similar violations, one NOV with dissimilar violations, eight agreed orders with denial of liability, and five orders without denial of liability. Reduction for two notices 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** **-\$24,375**

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

Total EB Amounts **\$693**
 Approx. Cost of Compliance **\$32,008**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$170,625**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$170,625**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$170,625**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$34,125**

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 **\$136,500**

Screening Date 2-Apr-2014

Docket No. 2014-0496-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 3 (September 2011)

Case ID No. 48514

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator David Carney

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>)	4	20%
	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	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 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>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 305%

>> **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 four NOVs with same/similar violations, one NOV with dissimilar violations, eight agreed orders with denial of liability, and five orders without denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 305%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 2-Apr-2014

Docket No. 2014-0496-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 3 (September 2011)

Case ID No. 48514

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O2327, Special Terms and Conditions ("STC") No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emission rates. Specifically, between February 11 and September 29, 2013, the Respondent exceeded the permitted hourly emission rates at Emission Point Nos. ("EPNs") DDB-102A, DDB-102B, DDB-102C, DDB-102D, DB-105, DB-106, DB-107, DB-108, and DB-109, resulting in the unauthorized release of approximately 28,380 pounds ("lbs") of carbon monoxide ("CO"), as detailed in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	15.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 24 Number of violation days 249

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$90,000

Twenty-Four quarterly events are recommended (three quarterly events each for EPNs DDB-102A, DDB-102B, DB-105, DB-107, DB-108, and DB-109 and two quarterly events each for EPNs DDB-102C, DDB-102D, and DB-106).

Good Faith Efforts to Comply

25.0% Reduction

\$22,500

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

Notes

The Respondent came into compliance on October 18, 2013, prior to the Notice of Enforcement ("NOE") dated March 12, 2014.

Violation Subtotal \$67,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$157,500

This violation Final Assessed Penalty (adjusted for limits) \$157,500

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 48514
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	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	11-Feb-2013	18-Oct-2013	0.68	\$51	n/a	\$51
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	11-Feb-2013	18-Oct-2013	0.68	\$68	n/a	\$68

Notes for DELAYED costs

Estimated costs to train operators on the importance of individual furnace emission rates and implement Distributed Control System alarms. The Date Required is the first date of non-compliance and the Final Date is the compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$119

Screening Date 2-Apr-2014
Respondent INEOS USA LLC
Case ID No. 48514
Reg. Ent. Reference No. RN100238708
Media [Statute] Air
Enf. Coordinator David Carney

Docket No. 2014-0496-AIR-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number 2
Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 2798, Special Conditions Nos. 1 and 7, FOP No. O2327, STC No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emission rates. Specifically, between April 28 and September 14, 2013, the Respondent exceeded the CO emission rates of 0.037 pound per million British thermal units for 2,327 hours and 14.4 pounds per hour ("lbs/hr") by approximately 9.5 lbs/hr for 1,973 hours at EPN DDB901B, resulting in the unauthorized release of 18,656 lbs of CO.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$7,500

Two quarterly events are recommended from the April 28, 2013 first date of non-compliance to the September 22, 2013 compliance date.

Good Faith Efforts to Comply

Reduction

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

Notes: The Respondent came into compliance on September 22, 2013, prior to the NOE dated March 12, 2014.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 48514
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$28,508	28-Apr-2013	22-Sep-2013	0.40	\$574	n/a	\$574

Notes for DELAYED costs

Actual cost to repair the No. 2 Olefins Unit Steam Boiler, EPN DDB901B, in order to achieve compliance with the permitted emission rates. The Date Required is the first date of non-compliance and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$28,508	TOTAL	\$574
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INEOS USA LLC
Docket No. 2014-0496-AIR-E
Case No. 48514
Corresponds with Violation No. 1

EPN	Period of Non-compliance	Permitted CO Rate (lbs/hour)	CO Rate Over Permitted CO Rate (lbs/hour)	Hours Over Permitted Rate	Total Unauthorized Emissions of CO (lbs)
DDB-102A	Feb 11 to Sep 20, 2013	7.03	8.17	624	5,095
DDB-102B	Feb 11 to Sep 21, 2013	7.03	6.63	787	5,217
DDB-102C	Feb 20 to Aug 13, 2013	7.03	5.86	21	123
DDB-102D	Mar 14 to Sep 14, 2013	7.03	5.07	443	2,248
DB-105	Feb 17 to Aug 30, 2013	18.32	37.41	54	2,020
DB-106	Feb 13 to June 16, 2013	18.32	45.65	69	3,150
DB-107	Feb 18 to Aug 30, 2013	18.32	29.79	58	1,728
DB-108	Feb 20 to Sep 29, 2013	18.32	43.89	181	7,944
DB-109	Mar 1 to Sep 21, 2013	18.32	17.45	49	855
				Total:	28,380



Compliance History Report

PUBLISHED Compliance History Report for CN602817884, RN100238708, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN602817884, INEOS USA LLC	Classification:	SATISFACTORY	Rating:	8.61
Regulated Entity:	RN100238708, Chocolate Bayou Plant	Classification:	SATISFACTORY	Rating:	24.64
Complexity Points:	37	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	TWO MILES SOUTH OF THE INTERSECTION OF FARM-TO-MARKET ROAD 2917 AND FARM-TO-MARKET ROAD 2004, TEXAS, BRAZORIA COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

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 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 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 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 REGISTRATION 76826 |
| AIR NEW SOURCE PERMITS REGISTRATION 76401 | AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642 |
| AIR NEW SOURCE PERMITS REGISTRATION 78501 | 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 109242 | WATER LICENSING LICENSE 0200132 |
| INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD050309012 | INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30042 |
| AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0002S | STORMWATER PERMIT TXR15XT90 |

Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	March 31, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 31, 2009 to March 31, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	David Carney	Phone:	(512) 239-2583		

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: 07/20/2009 ADMINORDER 2009-0292-AIR-E (Findings Order-Agreed Order Without Denial)
 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.
- 2 Effective Date: 11/13/2009 ADMINORDER 2009-0758-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: 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.
- 3 Effective Date: 04/11/2010 ADMINORDER 2009-1084-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: 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.

- 4 Effective Date: 04/25/2010 ADMINORDER 2009-1737-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: 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.
- 5 Effective Date: 03/07/2011 ADMINORDER 2010-1059-AIR-E (Findings Order-Agreed Order Without Denial)
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
- 6 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.

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.

8

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)

9 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.

10 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.

11 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

- 12 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
- 13 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

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 01, 2009	(750208)
Item 2	April 08, 2009	(750207)
Item 3	April 24, 2009	(737309)
Item 4	May 15, 2009	(742437)
Item 5	June 09, 2009	(768313)
Item 6	July 16, 2009	(748313)
Item 7	August 07, 2009	(741172)
Item 8	August 20, 2009	(766649)
Item 9	September 02, 2009	(760233)
Item 10	September 03, 2009	(761249)
Item 11	September 09, 2009	(924769)
Item 12	September 18, 2009	(763553)
Item 13	September 28, 2009	(762141)
Item 14	September 30, 2009	(764855)
Item 15	October 01, 2009	(765567)
Item 16	October 05, 2009	(924770)
Item 17	November 05, 2009	(746389)
Item 18	November 09, 2009	(804520)
Item 19	November 10, 2009	(746109)
Item 20	December 02, 2009	(778933)
Item 21	December 07, 2009	(804521)
Item 22	December 22, 2009	(780308)
Item 23	December 23, 2009	(777974)
Item 24	January 05, 2010	(778214)
Item 25	January 11, 2010	(804522)
Item 26	January 22, 2010	(787933)
Item 27	January 26, 2010	(787753)
Item 28	January 27, 2010	(789059)
Item 29	February 08, 2010	(804519)
Item 30	March 04, 2010	(830831)

Item 31	April 07, 2010	(830832)
Item 32	April 19, 2010	(796648)
Item 33	April 23, 2010	(795826)
Item 34	May 10, 2010	(800560)
Item 35	May 13, 2010	(830833)
Item 36	May 26, 2010	(802444)
Item 37	June 17, 2010	(824648)
Item 38	July 08, 2010	(860846)
Item 39	July 21, 2010	(841099)
Item 40	July 28, 2010	(825561)
Item 41	August 09, 2010	(824509)
Item 42	August 12, 2010	(866812)
Item 43	September 03, 2010	(841100)
Item 44	September 07, 2010	(841097)
Item 45	September 08, 2010	(873884)
Item 46	September 21, 2010	(881485)
Item 47	October 13, 2010	(866253)
Item 48	November 03, 2010	(888014)
Item 49	November 08, 2010	(866088)
Item 50	November 10, 2010	(826661)
Item 51	November 24, 2010	(826657)
Item 52	December 08, 2010	(971359)
Item 53	December 09, 2010	(896219)
Item 54	December 10, 2010	(878760)
Item 55	January 07, 2011	(843913)
Item 56	January 10, 2011	(885126)
Item 57	January 27, 2011	(870365)
Item 58	February 08, 2011	(894375)
Item 59	March 04, 2011	(893279)
Item 60	March 10, 2011	(891868)
Item 61	March 15, 2011	(885405)
Item 62	March 23, 2011	(887208)
Item 63	March 30, 2011	(900038)
Item 64	March 31, 2011	(924768)
Item 65	April 06, 2011	(908551)
Item 66	April 07, 2011	(905461)
Item 67	April 28, 2011	(914182)
Item 68	May 10, 2011	(938008)
Item 69	June 01, 2011	(911882)
Item 70	June 10, 2011	(945331)
Item 71	June 21, 2011	(952605)
Item 72	August 11, 2011	(959286)
Item 73	August 17, 2011	(948255)
Item 74	August 18, 2011	(944175)
Item 75	August 22, 2011	(936295)
Item 76	September 08, 2011	(965319)
Item 77	October 19, 2011	(950942)
Item 78	November 08, 2011	(977519)
Item 79	December 06, 2011	(1060815)
Item 80	December 16, 2011	(971210)
Item 81	January 04, 2012	(990587)
Item 82	January 10, 2012	(976895)
Item 83	January 20, 2012	(976892)
Item 84	February 08, 2012	(997948)
Item 85	February 15, 2012	(987611)
Item 86	February 16, 2012	(983940)
Item 87	March 06, 2012	(1003472)
Item 88	April 27, 2012	(996484)
Item 89	May 01, 2012	(996432)
Item 90	May 08, 2012	(1016430)

Item 91	May 09, 2012	(990200)
Item 92	May 18, 2012	(996396)
Item 93	June 01, 2012	(1002071)
Item 94	June 08, 2012	(1031546)
Item 95	June 12, 2012	(1024150)
Item 96	June 27, 2012	(1014044)
Item 97	July 24, 2012	(1019304)
Item 98	August 09, 2012	(1037922)
Item 99	September 05, 2012	(1046652)
Item 100	September 14, 2012	(1023925)
Item 101	October 09, 2012	(1030930)
Item 102	October 15, 2012	(1031134)
Item 103	October 16, 2012	(1034466)
Item 104	October 18, 2012	(1030864)
Item 105	November 08, 2012	(1060816)
Item 106	December 04, 2012	(1060817)
Item 107	December 10, 2012	(1135253)
Item 108	February 06, 2013	(1078928)
Item 109	February 25, 2013	(1057082)
Item 110	March 08, 2013	(1089288)
Item 111	March 26, 2013	(1073193)
Item 112	April 03, 2013	(1095682)
Item 113	May 08, 2013	(1106606)
Item 114	June 06, 2013	(1110283)
Item 115	June 07, 2013	(1093422)
Item 116	June 11, 2013	(1086598)
Item 117	June 17, 2013	(1057913)
Item 118	June 19, 2013	(1095105)
Item 119	July 03, 2013	(1117167)
Item 120	August 08, 2013	(1124923)
Item 121	September 05, 2013	(1129523)
Item 122	October 21, 2013	(1105250)
Item 123	November 06, 2013	(1140652)
Item 124	December 05, 2013	(1147111)
Item 125	December 06, 2013	(1123860)
Item 126	January 07, 2014	(1153180)
Item 127	February 19, 2014	(1146827)

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:	04/30/2013 (1050733)	CN602817884
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 106, SubChapter W 106.511 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Title V O2327, ST&C 20 PERMIT	
	Description:	Failure to keep the run time for Engine OLE2COMP2 within the maximum allowed	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.722(d) 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)(2) 5C THSC Chapter 382 382.085(b) NSR 95, SC 11B PERMIT Title V O2327, ST&C 1A and 19A PERMIT	
	Description:	Loss of pilot lights for Flare P-1OLEF	
	Self Report?	NO	Classification: Minor
	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) 5C THSC Chapter 382 382.085(b) NSR 95, SC 11A PERMIT	

Title V O2327, ST&C 1A and 19A PERMIT
 Description: Failure to maintain the minimum heating value for Flare P-2OLEF
 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 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)

Description: Loss of Dock Flare thermocouple data
 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)
 NSR 95, SC 49 PERMIT
 Title V O2327, ST&C 19A PERMIT

Description: Failure to properly operate flare flow meter
 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 G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 NSR 95, SC 34E PERMIT
 Title V O2327, ST&C 1A and 19A PERMIT

Description: Open-ended lines
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.721(a)
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain average hourly benzene concentration at or below 10 ppmv at the Olefins No. 1 Unit API Separator (DAPISEP) and the Olefins No. 2 Unit API Separator (HAPISEP)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT

Description: Downtime of continuous emissions monitoring system (CEMS) and predictive emissions monitoring system (PEMS) for combustion devices
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT

Description: Failure to maintain NH3 emissions from Combustion Devices (DB108 & DB109) at or below 10 ppmv
 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)
 NSR 95, SC 13 PERMIT
 Title V O2327, ST&C 19A PERMIT

Description: Failure to maintain NOx emissions from Combustion Devices (DB107 & DB109) at or below 0.05 lb/MMBtu
 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)
 Title V O2327, SC 1A PERMIT

Description: Failure to maintain CO emissions from Combustion Device (HB102B) at or below the 400 ppmv limit over 11 hours
 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)
 NSR 2798, SC 1 PERMIT
 Title V O2327, ST&C 19A PERMIT

Description: Failure to maintain CO emissions from Combustion Device (HB901B) at or below the permitted hourly CO emission rate of 14.4 lbs/hr
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT

Description: Failure to take manual samples for HRVOC from the cooling tower (HCWT) during out-of-order periods of the on-line HRVOC monitor of 24 hours or greater

Self Report? NO Classification: Minor

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)
 Title V O2327, ST&C 1A PERMIT

Description: Failure to submit RATA test results for NOx monitors on Furnaces (HB101B and HB101D) within the required time frame

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)
 NSR 95, SC 38A PERMIT
 Title V O2327, ST&C 19A PERMIT

Description: Failure to perform leak checks and/or maintain records to demonstrate the required audio, visual, and olfactory (AVO) checks for NH3 leaks that are conducted every shift

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 2J PERMIT

Description: Failure to complete a Corrective Action Plan (CAP) in accordance with the approved schedule

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT

Description: Failure to perform daily calibration on Olefins Unit No. 2 Cooling Tower Gas Chromatograph (GC)

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)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, General Terms and Condiiti PERMIT

Description: Failure to include all deviations in the deviation report submitted April 25, 2012

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)
 Title V O2327, ST&C 1A PERMIT

Description: Failure to collect samples for HRVOC from Olefins Unit No. 2 flare during GC analyzer system outage

Self Report? NO Classification: Minor

Citation: 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)
 Title V O2327, ST&C 1A PERMIT

Description: Failure to submit RATA post-test notification for NOx monitor on Furnace (DDB-104B) within the required time frame

2 Date: 06/25/2013 (1086799) 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. Specifically, Ineos failed to keep a flow meter transmitter in a proper operating condition. (Category B13)

3 Date: 07/26/2013 (1094172) CN602817884

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)
 Special Condition 1 PERMIT
 Special Term & Condition 9 OP

Description: Failure to comply with the annual limits in the MAERT table of Permit 19868. (Category B14 Violation)

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)
Special Condition 5E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to keep plugged or otherwise sealed three open open-ended lines. (Category C10 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
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)
Special Condition 8A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to operate the flares (EPN: FLARE & P4FLARE) at or above the required minimum net heating values. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
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)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to operate the flare (EPN: FLARE) within the required maximum exit velocity. (Category C4 Violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
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)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to maintain a continuously operating pilot lights for the flare. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to perform the annual flow meter calibrations for the PP3 & PP4 Cooling Towers (Category C1 Violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to include all deviations in the deviation report dated April 30, 2013 (Category B3 Violation).

4 Date: 02/21/2014 (1121227) CN602817884

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(b)(4)(A)(i)(II)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to comply with the performance specification requirements of the O2 Predictive emissions monitoring system (PEMS). (Category B18)

5 Date: 03/12/2014 (1134768) CN602817884

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)
Special Condition 14 PERMIT
Special Term & Condition 19 OP
Description: Failure to operate five furnaces within the required firing rate. (Category C1 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to operate furnaces within the 400 ppm CO limit and the 10 ppmv ammonia slip concentration (CATEGORY B1 Violation).

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)
Special Term & Condition 1 PERMIT
Special Term & Condition 19 OP
Description: Failure to operate the DB-901C furnace within the lbs per hour CO limit of Permit 101 (Category C1 Violation).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
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 Term & Condition 20 OP
Description: Failure to maintain PBR records for compressor engines (Category C3 Violation).

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)
Special Condition 38A PERMIT
Special Term & Condition 19 OP
Description: Failure to perform audio, visual olfactory inspections on ammonia-service equipment (Category C1 Violation).

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 34E PERMIT
Special Term & Condition 19 OP
Special Term & Condition 1A OP
Description: Failure to keep plugged or otherwise sealed 42 open-ended lines (Category C10 Violation).

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)
Special Condition 61C PERMIT
Special Term & Condition 19 OP
Description: Failure to maintain required LEL Meter functionality test records (Category C3 Violation).

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)
Special Condition 61 PERMIT
Special Term & Condition 19 OP
Description: Failure to record LEL readings for MSS events (Category C1 Violation).

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)
Special Condition 65 PERMIT
Special Term & Condition 19 OP
Description: Failure to control vacuum truck exhaust with a control device during an MSS

event (Category C4 Violation).
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)
Special Condition 66D PERMIT
Special Term & Condition 19 OP
Description: Failure to maintain a record of monthly frac tank emissions (Category C4 Violation).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
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 Term & Condition 1A OP
Description: Failure to operate the Olefins 1 and Olefins 2 flares with the required minimum net heating value (Category C4 Violation).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138(b)(1)(ii)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to maintain the benzene content in the Olefins Unit #1 to less than 50 ppm (Category B13 Violation).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term & Condition 18 OP
Description: Failure to perform AVO inspections to five boilers and one cogeneration unit. (CATEGORY C1 VIOLATION)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to perform cooling tower analyzer calibrations. (CATEGORY C1 VIOLATION)

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)
Special Condition 61C PERMIT
Special Term & Condition 19 OP
Description: Failure to maintain calibration data for LEL Meters for MSS Event Monitoring. (CATEGORY C1 VIOLATION)

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)
Special Condition 69B(1) PERMIT
Special Term & Condition 19 OP
Description: Failure to operate the thermal oxidizer at or above the minimum required temperature. (CATEGORY C4 VIOLATION)

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)
General Terms & Conditions OP
Special Term & Condition 3 OP
Description: Failure to operate the boiler (EPN: DBZ901B) without visible emissions. (CATEGORY C4 VIOLATION)

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 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term & Condition 19 OP
Special Term & Condition 1A OP
Description: Failure to maintain flare pilot monitoring data. (CATEGORY C1 VIOLATION)

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)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12C PERMIT
Special Term & Condition 19 OP
Special Term & Condition 1A OP
Description: Failure to operate the Olefins #1 and #2 flares without visible emissions. (CATEGORY C4 VIOLATION)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
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 49 PERMIT
Special Term & Condition 19 OP
Special Term & Condition 1A OP
Description: Failure to perform manual sampling during a flare analyzer outage. (CATEGORY C1 VIOLATION)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(ii)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to limit the concentration of benzene in wastewater to 10 ppm. (CATEGORY C4 VIOLATION)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to perform continuous benzene concentration monitoring of the stripper column. (CATEGORY C1 VIOLATION)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(6)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(f)(1)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to operate four engines within the required run-time limits. (CATEGORY C4 VIOLATION)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to submit a timely relative accuracy test audit notification. (CATEGORY C3 VIOLATION)

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)
Special Condition 7 PERMIT
Special Term & Condition 19 OP
Description: Failure to operate the HB-901A furnace within the required firing rate (Category C4 Violation).

F. Environmental audits:

Notice of Intent Date: 04/30/2010 (803375)
No DOV Associated

Notice of Intent Date: 05/17/2013 (1095536)
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. 2014-0496-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 ("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 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 Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 17, 2014.
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 One Hundred Seventy Thousand Six Hundred Twenty-Five Dollars (\$170,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixty-Eight Thousand Two Hundred Fifty Dollars (\$68,250) of the administrative penalty and

Thirty-Four Thousand One Hundred Twenty-Five Dollars (\$34,125) 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. Sixty-Eight Thousand Two Hundred Fifty Dollars (\$68,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director 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).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On September 22, 2013, repaired the No. 2 Olefins Unit Steam Boiler, Emission Point No. ("EPN") DDB901B, in order to achieve compliance with the permitted emission rates; and
 - b. On October 18, 2013, trained operators on the importance of individual furnace emission rates and implemented Distributed Control System alarms to allow operators to respond prior to permit emission rates being reached.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permitted emission rates, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O2327, Special Terms and Conditions ("STC") No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 14, 2014. Specifically, between February 11 and September 29, 2013, the Respondent exceeded the permitted

hourly emission rates at EPNs DDB-102A, DDB-102B, DDB-102C, DDB-102D, DB-105, DB-106, DB-107, DB-108, and DB-109, resulting in the unauthorized release of approximately 28,380 pounds ("lbs") of carbon monoxide ("CO"), as detailed in the following table:

EPN	Period of Non-compliance	Permitted CO Rate [pounds per hour ("lbs/hr")]	CO Rate Over Permitted CO Rate (lbs/hr)	Hours Over Permitted Rate	Total Unauthorized Emissions of CO (lbs)
DDB-102A	Feb 11 to Sep 20, 2013	7.03	8.17	624	5,095
DDB-102B	Feb 11 to Sep 21, 2013	7.03	6.63	787	5,217
DDB-102C	Feb 20 to Aug 13, 2013	7.03	5.86	21	123
DDB-102D	Mar 14 to Sep 14, 2013	7.03	5.07	443	2,248
DB-105	Feb 17 to Aug 30, 2013	18.32	37.41	54	2,020
DB-106	Feb 13 to June 16, 2013	18.32	45.65	69	3,150
DB-107	Feb 18 to Aug 30, 2013	18.32	29.79	58	1,728
DB-108	Feb 20 to Sep 29, 2013	18.32	43.89	181	7,944
DB-109	Mar 1 to Sep 21, 2013	18.32	17.45	49	855
				Total:	28,380

- Failed to comply with permitted emission rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 2798, Special Conditions Nos. 1 and 7, FOP No. O2327, STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 14, 2014. Specifically, between April 28 and September 14, 2013, the Respondent exceeded the CO emission rates of 0.037 pound per million British thermal units for 2,327 hours and 14.4 lbs/hr by approximately 9.5 lbs/hr for 1,973 hours at EPN DDB901B, resulting in the unauthorized release of 18,656 lbs of CO.

III. DENIALS

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

IV. ORDERING PROVISIONS

- 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. 2014-0496-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Sixty-Eight Thousand Two Hundred Fifty Dollars (\$68,250) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/11/14

Date

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

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

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

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



Signature

7/15/2014

Date

DAVID L. BRACVOTT

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

CBW SITE MANAGER

Title

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

Attachment A
Docket Number: 2014-0496-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS USA LLC
Penalty Amount:	One Hundred Thirty-Six Thousand Five Hundred Dollars (\$136,500)
SEP Offset Amount:	Sixty-Eight Thousand Two Hundred Fifty Dollars (\$68,250)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("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. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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.