

**Executive Summary – Enforcement Matter – Case No. 54566**  
**INEOS Styrolution America LLC**  
**RN100542224**  
**Docket No. 2017-0814-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Bayport Facility, 12222 Port Road, Pasadena, Harris 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:** December 15, 2017

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$32,225

**Amount Deferred for Expedited Settlement:** \$6,445

**Total Paid to General Revenue:** \$12,890

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$12,890

Name of SEP: Barber's Hill Independent School District (Third-Party Pre-Approved SEP)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major/Minor Source:** Major

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 30, 2017 through May 12, 2017

**Date(s) of NOE(s):** May 18, 2017

**Executive Summary – Enforcement Matter – Case No. 54566**  
**INEOS Styrolution America LLC**  
**RN100542224**  
**Docket No. 2017-0814-AIR-E**

***Violation Information***

1. Failed to comply with the permitted emissions and concentration limits for the boilers. Specifically, Boiler HB-301-A, Emissions Point Number ("EPN") 301-A, exceeded the permitted nitrogen oxides ("NOx") emissions limit of 0.025 pound per million British thermal units ("lb/MMBtu") by 0.0001 lb/MMBtu to 0.0662 lb/MMBtu from August 16, 2016 to February 16, 2017 and the permitted carbon monoxide ("CO") concentration limit of 50 parts per million by volume on a dry basis ("ppmvd") corrected to three percent oxygen by 0.01 ppmvd to 649.56 ppmvd from August 17, 2016 to February 16, 2017. Also, Boiler HB-301-B, EPN 301-B, exceeded the permitted NOx limit of 0.025 lb/MMBtu by 0.0001 lb/MMBtu to 0.1361 lb/MMBtu from August 17, 2016 to February 16, 2017 and the permitted CO concentration limit of 50 ppmvd corrected to three percent oxygen by 0.03 ppmvd to 1,115.69 ppmvd from August 16, 2016 to February 16, 2017 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 5252, Special Conditions ("SC") Nos. 11.A and 11.B, and Federal Operating Permit ("FOP") No. O1625, Special Terms and Conditions ("STC") No. 12].
2. Failed to report all instances of deviations. Specifically, the deviation report for the February 17, 2016 through August 16, 2016 reporting period did not include the deviations for exceeding permitted NOx emissions limit for EPN 301-A and the permitted CO concentration limit for EPN 301-B that occurred on August 16, 2016 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1625, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the permitted concentration limit for the Steam Superheater HS-220, EPN 220, with the Selective Catalyst Reduction operational. Specifically, the permitted NOx concentration limit of 10 ppmvd corrected to three percent oxygen on an hourly average was exceeded by 0.01 ppmvd to 12.43 ppmvd for 234 hours on 19 days from April 13, 2016 to August 8, 2016, by 13.21 ppmvd for one hour on September 2, 2016, and by 1.29 ppmvd for one hour on September 23, 2016 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 5252, SC No. 7.A(1), and FOP No. O1625, STC No. 12].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following:

- a. By September 30, 2016, replaced the catalyst and adjusted the parameters for the Steam Superheater HS-220, EPN 220, to comply with the NOx concentration limit; and
- b. On July 27, 2017, submitted an addendum for the deviation report for the February 17, 2016 through August 16, 2016 reporting period to report the deviations for exceeding the permitted NOx emissions limit for EPN 301-A and the permitted CO concentration limit for EPN 301-B that occurred on August 16, 2016.

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**Docket No. 2017-0814-AIR-E**

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days implement measures and/or procedures to comply with the permitted NO<sub>x</sub> emissions and CO concentration limits for Boilers HB-301-A and HB-301-B, EPNs 301-A and 301-B; and
  - b. Within 45 days submit written certification demonstrating compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Carol McGrath, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4063; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**Respondent:** Chris Robbins, Site Director – Gulf Coast Styrene, INEOS Styrolution America LLC, 12222 Port Road, Pasadena, Texas 77507

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**  
**DATES**

**Assigned PCW** 22-May-2017  
26-Jul-2017  
**Screening** 30-May-2017  
**EPA Due** 14-Nov-2017

## RESPONDENT/FACILITY INFORMATION

**Respondent** INEOS Styrolution America LLC  
**Reg. Ent. Ref. No.** RN100542224  
**Facility/Site Region** 12-Houston  
**Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 54566  
**Docket No.** 2017-0814-AIR-E  
**Media Program(s)** Air  
**Multi-Media**  
**No. of Violations** 3  
**Order Type** 1660  
**Government/Non-Profit** No  
**Enf. Coordinator** Carol McGrath  
**EC's Team** Enforcement Team 4  
**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$25,000

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

**Subtotal 1** \$22,750

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

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

**Compliance History** 50.0% **Adjustment** **Subtotals 2, 3, & 7** \$11,375

**Notes** Enhancement for two NOV's with same/similar violations and two orders with denial of liability.

**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** -\$1,900

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

Total EB Amounts \$1,789  
Estimated Cost of Compliance \$45,250  
\*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

**Final Subtotal** \$32,225

### OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$32,225

### STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$32,225

### DEFERRAL

20.0%

**Reduction** **Adjustment** -\$6,445

Reduces the Final Assessed Penalty by the indicated percentage.

**Notes**

Deferral offered for expedited settlement.

### PAYABLE PENALTY

\$25,780

Screening Date 30-May-2017

Docket No. 2017-0814-AIR-E

PCW

Respondent INEOS Styrolution America LLC

Policy Revision 4 (April 2014)

Case ID No. 54566

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542224

Media [Statute] Air

Enf. Coordinator Carol McGrath

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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	0	0%
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> )	0	0%
	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%
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) 50%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for two NOVs with same/similar violations and two orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 50%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%



Screening Date 30-May-2017

Docket No. 2017-0814-AIR-E

PCW

Respondent INEOS Styrolution America LLC

Policy Revision 4 (April 2014)

Case ID No. 54566

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542224

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 5252, Special Conditions ("SC") Nos. 11.A and 11.B, and Federal Operating Permit ("FOP") No. O1625, Special Terms and Conditions ("STC") No. 12

Violation Description

Failed to comply with the permitted emissions and concentration limits for the boilers. Specifically, Boiler HB-301-A, Emissions Point Number ("EPN") 301-A, exceeded the permitted nitrogen oxides ("NOx") emissions limit of 0.025 pound per million British thermal units ("lb/MMBtu") by 0.0001 lb/MMBtu to 0.0662 lb/MMBtu from August 16, 2016 to February 16, 2017 and the permitted carbon monoxide ("CO") concentration limit of 50 parts per million by volume on a dry basis ("ppmvd") corrected to three percent oxygen by 0.01 ppmvd to 649.56 ppmvd from August 17, 2016 to February 16, 2017. Also, Boiler HB-301-B, EPN 301-B, exceeded the permitted NOx limit of 0.025 lb/MMBtu by 0.0001 lb/MMBtu to 0.1361 lb/MMBtu from August 17, 2016 to February 16, 2017 and the permitted CO concentration limit of 50 ppmvd corrected to three percent oxygen by 0.03 ppmvd to 1,115.69 ppmvd from August 16, 2016 to February 16, 2017.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that 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 4

184 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the instances of non-compliance from August 16, 2016 to February 16, 2017 (two quarters each for EPNs 301-A and 301-B).

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$730

Violation Final Penalty Total \$22,500

This violation Final Assessed Penalty (adjusted for limits) \$22,500

# Economic Benefit Worksheet

Respondent INEOS Styrolution America LLC  
Case ID No. 54566  
Reg. Ent. Reference No. RN100542224  
Media Air  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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)	\$10,000	16-Aug-2016	31-Jan-2018	1.46	\$730	n/a	\$730

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to comply with the permitted NOx emissions and CO concentration limits for Boilers HB-301-A and HB-301-B, EPNs 301-A and 301-B. The Date Required is the first date of non-compliance. The Final Date is the estimated date of compliance.

<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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

\$10,000

TOTAL

\$730



Screening Date 30-May-2017  
Respondent INEOS Styrolution America LLC  
Case ID No. 54566  
Reg. Ent. Reference No. RN100542224  
Media [Statute] Air  
Enf. Coordinator Carol McGrath

Docket No. 2017-0814-AIR-E

PCW

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

Violation Number 2  
Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. Q1625, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the February 17, 2016 through August 16, 2016 reporting period did not include the deviations for exceeding the permitted NOx emissions limit for EPN 301-A and the permitted CO concentration limit for EPN 301-B that occurred on August 16, 2016.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

315 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended for the incomplete report.

Good Faith Efforts to Comply

10.0%

Reduction \$25

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent achieved compliance by July 27, 2017, after the May 18, 2017 Notice of Enforcement.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

# Economic Benefit Worksheet

Respondent INEOS Styrolution America LLC

Case ID No. 54566

Reg. Ent. Reference No. RN100542224

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
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	15-Sep-2016	27-Jul-2017	0.86	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to submit an addendum for the deviation report for the February 17, 2016 through August 16, 2016 reporting period to report the deviations for exceeding the permitted NOx emissions limit for EPN 301-A and the permitted CO concentration limit for EPN 301-B that occurred on August 16, 2016. The Date Required is the date the initial deviation report was due. The Final Date is the date of compliance.

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$11

Screening Date 30-May-2017

Docket No. 2017-0814-AIR-E

PCW

Respondent INEOS Styrolution America LLC

Policy Revision 4 (April 2014)

Case ID No. 54566

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542224

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health &amp; Safety Code § 382.085(b), NSR Permit No. 5252, SC No. 7.A(1), and FOP No. O1625, STC No. 12

Violation Description

Failed to comply with the permitted concentration limit for the Steam Superheater HS-220, EPN 220, with the Selective Catalyst Reduction operational. Specifically, the permitted NOx concentration limit of 10 ppmvd corrected to three percent oxygen on an hourly average was exceeded by 0.01 ppmvd to 12.43 ppmvd for 234 hours on 19 days from April 13, 2016 to August 8, 2016, by 13.21 ppmvd for one hour on September 2, 2016, and by 1.29 ppmvd for one hour on September 23, 2016.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that 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 2

21 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended for the instances of non-compliance that occurred from April 13, 2016 to September 23, 2016.

## Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	

Notes

The Respondent achieved compliance by September 30, 2016, prior to the May 18, 2017 Notice of Enforcement.

Violation Subtotal \$5,625

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,048

Violation Final Penalty Total \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

## Economic Benefit Worksheet

**Respondent** INEOS Styrolution America LLC  
**Case ID No.** 54566  
**Reg. Ent. Reference No.** RN100542224  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$25,000	13-Apr-2016	30-Sep-2016	0.47	\$39	\$776	\$815
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)	\$10,000	13-Apr-2016	30-Sep-2016	0.47	\$233	n/a	\$233

**Notes for DELAYED costs**

Estimated costs to replace the catalyst and to adjust the parameters for the Steam Superheater HS-220, EPN 220, in order to comply with the NOx concentration limit. The Date Required is the first date of non-compliance. The Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$35,000

**TOTAL**

\$1,048

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN603252479, RN100542224, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

**Customer, Respondent, or Owner/Operator:** CN603252479, INEOS Styrolution America LLC **Classification:** SATISFACTORY **Rating:** 3.71

**Regulated Entity:** RN100542224, BAYPORT FACILITY **Classification:** SATISFACTORY **Rating:** 7.86

**Complexity Points:** 11

**Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 12222 PORT RD, PASADENA, HARRIS COUNTY, TX 7507-1800

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG3307M

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID

TXD987985678

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION

1011650

**AIR NEW SOURCE PERMITS** REGISTRATION 76216

**AIR NEW SOURCE PERMITS** AFS NUM 4820101296

**AIR NEW SOURCE PERMITS** REGISTRATION 55768

**AIR NEW SOURCE PERMITS** REGISTRATION 91703

**AIR NEW SOURCE PERMITS** REGISTRATION 112233

**AIR NEW SOURCE PERMITS** REGISTRATION 121881

**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION

# (SWR) 39186

**POLLUTION PREVENTION PLANNING** ID NUMBER

P00330

**AIR OPERATING PERMITS** PERMIT 1625

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE

REGISTRATION # (SWR) 39186

**AIR NEW SOURCE PERMITS** PERMIT 5252

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG3307M

**AIR NEW SOURCE PERMITS** REGISTRATION 23515

**AIR NEW SOURCE PERMITS** REGISTRATION 89124

**AIR NEW SOURCE PERMITS** REGISTRATION 94114

**AIR NEW SOURCE PERMITS** REGISTRATION 114165

**AIR NEW SOURCE PERMITS** REGISTRATION 112232

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER

HG3307M

**STORMWATER** PERMIT TXR05BG12

**Compliance History Period:** September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

**Date Compliance History Report Prepared:** July 26, 2017

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 26, 2012 to July 26, 2017

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

**Name:** Carol McGrath

**Phone:** (210) 403-4063

## 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

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

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

1 Effective Date: 08/03/2013 ADMINORDER 2012-1839-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

ST&C 15 OP

Description: INEOS NOVA, LLC (now Styrolution America, LLC) Bayport Plant failed to comply with the maximum allowable emission rate (MAER) for VOC by exceeding the VOC emission limit for EPN 301A. This is a category A8c1H violation.

Violation track no. 451073 was combined with violation track no. 451078 and violation track no. 451078 was deleted.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Term & Condition 15 OP

Description: Failed to comply with the allowable NOx and CO emissions rates for the flare, EPN FL. Specifically, the Respondent exceeded the allowable annual NOx emissions rate of 1.06 tons per year and CO emissions rate of 7.68 tons per year based on a rolling 12-month period from February 2011 to January 2012, resulting in the unauthorized release of 2.16 tons of NOx and 13.74 tons of CO.

2 Effective Date: 04/04/2015 ADMINORDER 2014-1274-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 5252, Special Condition (SC) 1 PERMIT

Description: Failure to prevent unauthorized emissions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	October 03, 2012	(1009100)
Item 2	May 20, 2014	(1164620)
Item 3	June 16, 2014	(1166672)
Item 4	September 02, 2014	(1164718)
Item 5	February 20, 2015	(1227823)
Item 6	May 04, 2015	(1248059)
Item 7	March 01, 2016	(1313421)
Item 8	April 08, 2016	(1322900)
Item 9	May 12, 2016	(1294337)
Item 10	May 13, 2016	(1330878)
Item 11	July 13, 2016	(1335856)
Item 12	September 07, 2016	(1349236)
Item 13	December 15, 2016	(1375886)
Item 14	January 26, 2017	(1383409)

**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: 08/30/2016 (1338495)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP ST&C 12 OP  
FOP ST&C 1A OP  
NSR 5252 SC 8A PERMIT

Description: Failure to maintain the flare net heat value from February 24, 2015 to February 25, 2015. (C4)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP ST&C 12 OP  
FOP ST&C 1A OP  
NSR 5252 SC 19E PERMIT

Description: Failure to cap, plug, or seal three open-ended lines in VOC service. (C4)

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)  
 FOP ST&C 1A OP

Description: Failure to submit RATA in the required time frame. (C4)

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(f)(2)  
 5C THSC Chapter 382 382.085(b)  
 FOP ST&C 12 OP  
 FOP ST&C 1A OP  
 NSR 5252 SC 8B PERMIT

Description: Failure to continuously maintain a pilot light. (C4)

2

Date: 05/12/2017 (1400338)

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 17F PERMIT  
 Special Term and Condition 12 OP

Description: Failure to operate the continuous emissions monitoring systems (CEMS) on superheater (Emission Point Number (EPN): 201/209) with less than 5 percent downtime. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 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 H 63.174(d)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 19I PERMIT  
 Special Term and Condition 12 OP  
 Special Term and Condition 1A OP

Description: Failure to repair the leak on union connector EB6726D-003 (Unit ID: FUG-VOC) within 15 days of discovery. (Category C4)

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)  
 Special Condition 1 PERMIT  
 Special Term and Condition 12 OP

Description: Failure to maintain boiler (Emission Point Number (EPN): 301-A) emissions below the nitrogen oxides (NOx) pounds per hour (lbs/hr) maximum allowable emission rate (MAER) limit. (Category B14)

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)  
 Special Condition 1 PERMIT  
 Special Term & Condition 12 OP

Description: Failure to maintain boiler (Emission Point Number (EPN): 301-B) emissions below the carbon monoxide (CO) and nitrogen oxides (NOx) pounds per hour (lbs/hr) maximum allowable emission rate (MAER) limits. (Category B14)

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)  
 Special Condition 1 PERMIT  
 Special Term & Condition 12 OP

Description: Failure to maintain heater (Emission Point Number (EPN): 220) emissions below the ammonia (NH3) and nitrogen oxides (NOx) pounds per hour (lbs/hr) maximum allowable emission rate (MAER) limits. (Category B14)

Self Report? NO Classification: Moderate

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)  
 Special Term & Condition 1A OP

Description: Failure to maintain heater (Emission Point Number (EPN): 220) emissions below the ammonia (NH3) parts per million by volume on a dry basis (ppmvd) limit. (Category B14)



**F. Environmental audits:**

N/A

**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 STYROLUTION AMERICA  
LLC  
RN100542224**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2017-0814-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 Styrolution America LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 12222 Port Road in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$32,225 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,890 of the penalty and \$6,445 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$12,890 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

- A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
  7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
  8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
  9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
    - a. By September 30, 2016, replaced the catalyst and adjusted the parameters for the Steam Superheater HS-220, Emissions Point Number ("EPN") 220, to comply with the nitrogen oxides ("NOx") concentration limit; and
    - b. On July 27, 2017, submitted an addendum for the deviation report for the February 17, 2016 through August 16, 2016 reporting period to report the deviations for exceeding the permitted NOx emissions limit for EPN 301-A and the permitted carbon monoxide ("CO") concentration limit for EPN 301-B that occurred on August 16, 2016.

## II. ALLEGATIONS

During a record review conducted from March 30, 2017 through May 12, 2017, an investigator documented that the Respondent:

1. Failed to comply with the permitted emissions and concentration limits for the boilers, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 5252, Special Conditions ("SC") Nos. 11.A and 11.B, and Federal Operating Permit ("FOP") No. 01625, Special Terms and Conditions ("STC") No. 12. Specifically, Boiler HB-301-A, EPN 301-A, exceeded the permitted NOx emissions limit of 0.025 pound per million British thermal units ("lb/MMBtu") by 0.0001 lb/MMBtu to 0.0662 lb/MMBtu from August 16, 2016 to

- February 16, 2017 and the permitted CO concentration limit of 50 parts per million by volume on a dry basis ("ppmvd") corrected to three percent oxygen by 0.01 ppmvd to 649.56 ppmvd from August 17, 2016 to February 16, 2017. Also, Boiler HB-301-B, EPN 301-B, exceeded the permitted NOx limit of 0.025 lb/MMBtu by 0.0001 lb/MMBtu to 0.1361 lb/MMBtu from August 17, 2016 to February 16, 2017 and the permitted CO concentration limit of 50 ppmvd corrected to three percent oxygen by 0.03 ppmvd to 1,115.69 ppmvd from August 16, 2016 to February 16, 2017.
2. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 01625, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the February 17, 2016 through August 16, 2016 reporting period did not include the deviations for exceeding permitted NOx emissions limit for EPN 301-A and the permitted CO concentration limit for EPN 301-B that occurred on August 16, 2016.
  3. Failed to comply with the permitted concentration limit for the Steam Superheater HS-220, EPN 220, with the Selective Catalyst Reduction operational, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 5252, SC No. 7.A(1), and FOP No. 01625, STC No. 12. Specifically, the permitted NOx concentration limit of 10 ppmvd corrected to three percent oxygen on an hourly average was exceeded by 0.01 ppmvd to 12.43 ppmvd for 234 hours on 19 days from April 13, 2016 to August 8, 2016, by 13.21 ppmvd for one hour on September 2, 2016, and by 1.29 ppmvd for one hour on September 23, 2016.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS Styrolution America LLC, Docket No. 2017-0814-AIR-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph 4. The amount of \$12,890 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the

terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, implement measures and/or procedures to comply with the permitted NOx emissions and CO concentration limits for Boilers HB-301-A and HB-301-B, EPNs 301-A and 301-B; and
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of



- this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
  8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
  9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
  10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

Date

5/4/18  
Date

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

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

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

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

  
Signature

Chris Robbins  
Name (Printed or typed)  
Authorized Representative of  
INEOS Styrolution America LLC

10/11/2017  
Date

Site Director-Gulf Coast Styrene  
Title

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



**Attachment A**  
**Docket Number: 2017-0814-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INEOS Styrolution America LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$25,780</b>
<b>SEP Offset Amount:</b>	<b>\$12,890</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Barber's Hill Independent School District</b>
<b>Project Name:</b>	<b><i>Alternative Fuel School Bus Replacement</i></b>
<b>Location of SEP:</b>	<b>Chambers County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the 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 **Barber's Hill Independent School District** ("Barber's Hill ISD") for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide, nitrogen oxides, particulate matter, and volatile organic compounds emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 Environmental Protection Agency standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

INEOS Styrolution America LLC  
Agreed Order - Attachment A

All dollars contributed will be used 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 able to be 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 it 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 new 2010 ultra-low emission model, passengers' exposures to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon monoxide by 83 percent; and particulate matter by 99 percent.

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 **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant  
Carl R. Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

### **3. Records and Reporting**

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

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 made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this 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.