

**Executive Summary – Enforcement Matter – Case No. 60439**

**INEOS USA LLC**

**RN100229905**

**Docket No. 2021-0298-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

INEOS Polyethylene North America La Porte Plant, 1230 Independence Parkway South,  
La Porte, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2020-1257-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 7, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$614,092

**Amount Deferred for Expedited Settlement:** \$7,918

**Total Paid to General Revenue:** \$303,087

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$151,544

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

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$151,543

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 14, 2014 and January 2021

**Executive Summary – Enforcement Matter – Case No. 60439**

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**Docket No. 2021-0298-AIR-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** October 28, 2020 to February 4, 2021, August 11, 2021 through August 13, 2021, and November 3, 2021

**Date(s) of NOE(s):** February 12, 2021, August 17, 2021, and February 28, 2022

***Violation Information***

1. Failed to report all instances of deviations. Specifically, the deviation report for the February 11, 2019 through August 10, 2019 reporting period did not include the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP706X, failing to maintain the monthly fuel flow usage records for the portable diesel engines, failing to conduct the Total Dissolved Solids ("TDS") sampling for the Cooling Towers, and failing to report 42 non-reportable emissions events [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1439, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to report all instances of deviations. Specifically, the deviation report for the August 11, 2019 through February 10, 2020 reporting period did not include the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP2802X and failing to report 35 non-reportable emissions events [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1439, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 1.76 pounds per hour ("lbs/hr") for 168 hours on eight days from February 15, 2019 through February 28, 2019 for the FCM2 Dryer Vent and Storage Vent, Emissions Point Number ("EPN") PE-FCM2DRY, PE-FCM2STG, resulting in 18.59 pounds ("lbs") of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 49823, Special Conditions ("SC") No. 2, FOP No. O1439, GTC and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.76 lbs/hr for 336 hours on 14 days from February 15, 2019 through February 28, 2019 for the FCM3 Dryer Vent and Storage Vent, EPN PE-FCM3DRY, PE-FCM3STG, resulting in 114.24 lbs of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

**Executive Summary – Enforcement Matter – Case No. 60439**

**INEOS USA LLC**

**RN100229905**

**Docket No. 2021-0298-AIR-E**

5. Failed to submit an application to revise an FOP to change, add, or remove one or more permit terms or conditions. Specifically, the Respondent did not submit an application to revise FOP No. O1439 within 30 days to incorporate the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019 [30 TEX. ADMIN. CODE §§ 122.121, 122.210(a), and 122.143(4), FOP No. O1439, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b)].

6. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for 453 hours on 24 days from November 12, 2019 through December 19, 2019 for Cooling Tower CT1, EPN PE-CT1, resulting in 511.89 lbs of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 4.17 lbs/hr for 313 hours on 15 days from February 3, 2020 through February 17, 2020 for the CM7 Dryer Vent and Storage Vent, EPN PE-CM7DRY, PE-CM7STG, resulting in 81.38 lbs of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to repair leaking equipment that were identified as delay of repair before the end of the next process unit shutdown. Specifically, the Respondent placed the leaking components with Tag Nos. 128599.3, 124770, and 114578.2 on delay of repair and attempted to repair these leaking components before the turnaround ended on November 4, 2019, but the newly replaced flange gasket on Tag No. 114578.2 was discovered to be leaking after the turnaround ended on November 4, 2019 and Tag Nos. 128599.3 and 124770 were repaired on November 11, 2019, resulting in approximately 7,690.16 lbs of VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(1), 115.352(2)(A), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.482-9(a), FOP No. O1439, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to comply with the MAERs. Specifically, the Respondent exceeded the carbon monoxide MAER of 15.76 lbs/hr for two hours on August 28, 2020 and the nitrogen oxides ("NOx") MAER of 25.03 tons per year based on a 12-month rolling period for the 12-month periods ending from November 2019 through May 2020 for Cogen Unit 1, EPN PE-HRSG21, resulting in 49.44 lbs of unauthorized carbon monoxide emissions and 0.79 ton of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for a total of 1,584 hours on 69 days from November 1, 2020 to January 25, 2021 for Cooling Tower CT1, EPN PE-CT1, resulting in 27,669.70 lbs of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and

**Executive Summary – Enforcement Matter – Case No. 60439**

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**RN100229905**

**Docket No. 2021-0298-AIR-E**

122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. 01439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.63 lb/hr for a total of 2,182 hours on 93 days from November 1, 2020 to February 1, 2021 for Cooling Tower CT2A, EPN PE-CT2A, resulting in 114,641.77 of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. 01439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.67 lb/hr for a total of 1,138 hours on 52 days from November 18, 2020 to January 22, 2021 for Cooling Tower CT2B, EPN PE-CT2B, resulting in 6,767.92 of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. 01439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Obtaining an amendment for NSR Permit No. 49823 that increased the VOC hourly MAER for the FCM2 Dryer Vent and Storage Vent, EPN PE-FCM2DRY, PE-FCM2STG, and FCM3 Dryer Vent and Storage Vent, EPN PE-FCM3DRY, PE-FCM3STG, on April 30, 2019;
- b. Replacing an air lock for the component with Tag No. 128599.3 and installing a new gasket on the flange with Tag No. 124770, on November 11, 2019;
- c. Repairing the leak on the heat exchanger on a compressor in order to comply with the VOC hourly MAER for Cooling Tower CT1, EPN PE-CT1, on December 19, 2019;
- d. Lowering the concentration of the sampled polymer in order to comply with the VOC hourly MAER for the CM7 Dryer Vent and Storage Vent EPN PE-CM7DRY, PE-CM7STG, on February 17, 2020;
- e. Submitting a revision application for FOP No. 01439 to incorporate the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019, on March 11, 2020;
- f. Completing maintenance on the Cogen Unit 1 in order to comply with the NO<sub>x</sub> annual MAER and resolving the synchronization issue with the generator in order to comply with the carbon monoxide hourly MAER for Cogen Unit 1, EPN PE-HRSG21, by August 28, 2020;

**Executive Summary – Enforcement Matter – Case No. 60439**

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**RN100229905**

**Docket No. 2021-0298-AIR-E**

g. Demonstrating compliance with the VOC hourly MAER for Cooling Tower CT1, EPN PE-CT1, by January 26, 2021;

h. Isolating and replacing the leaking exchanger in order to comply with the VOC hourly MAER for Cooling Tower CT2A, EPN PE-CT2A, by March 12, 2021;

i. Isolating and repairing the leaking exchanger in order to comply with the VOC hourly MAER for Cooling Tower CT2B, EPN PE-CT2B, by March 12, 2021;

j. Obtaining the revision for FOP No. O1439 that incorporated the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019, on June 4, 2021; and

k. Repairing the leaking flange with Tag No. 114678.2, on November 4, 2021.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete two SEPs (see SEP Attachments A and B).

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Submit a revised deviation report for the February 11, 2019 through August 10, 2019 reporting period to report the deviations for failing to comply with the 100 pounds per year limit based on a rolling 12-month average for Diesel Engine PE-FP706X, failing to maintain the monthly fuel flow usage records for the portable diesel engines, failing to conduct the TDS sampling for the Cooling Towers, and failing to report 42 non-reportable emissions events;

ii. Submit a revised deviation report for the August 11, 2019 through February 10, 2020 reporting period to report the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP2802X and failing to report 35 non-reportable emissions events; and

iii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.

b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 60439**

**INEOS USA LLC**

**RN100229905**

**Docket No. 2021-0298-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston-Galveston Area Council-AERCO, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

**SEP Third-Party Administrator:** Houston Regional Monitoring Corporation, 1414 West Clay Street, Houston, Texas 77019

**Respondent:** Robert Bradshaw, Site Manager, INEOS USA LLC, 1230 Independence Parkway, La Porte, Texas 77571

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	24-Feb-2021	<b>Screening</b>	25-Feb-2021	<b>EPA Due</b>	11-Aug-2021
	<b>PCW</b>	3-May-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	INEOS USA LLC
<b>Reg. Ent. Ref. No.</b>	RN100229905 (PCW No. 1)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	60439	<b>No. of Violations</b>	7	
<b>Docket No.</b>	2021-0298-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras	
		<b>EC's Team</b>	Enforcement Team 5	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$22,250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	99.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$22,027
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Notes: Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, three orders containing a denial of liability, and one order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$4,685
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$591  
 Estimated Cost of Compliance: \$27,900  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$39,592
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$39,592
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$39,592
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$7,918
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$31,674
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**Screening Date** 25-Feb-2021

**Docket No.** 2021-0298-AIR-E

**PCW**

**Respondent** INEOS USA LLC

*Policy Revision 4 (April 2014)*

**Case ID No.** 60439

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)

**Media** Air

**Enf. Coordinator** Danielle Porras

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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	1	25%
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)** 99%

#### >> 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 two NOVs with same/similar violations, two NOVs with dissimilar violations, three orders containing a denial of liability, and one order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 99%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 99%



**Screening Date** 25-Feb-2021 **Docket No.** 2021-0298-AIR-E **PCW**  
**Respondent** INEOS USA LLC *Policy Revision 4 (April 2014)*  
**Case ID No.** 60439 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1439, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to report all instances of deviations. Specifically, the deviation report for the February 11, 2019 through August 10, 2019 reporting period did not include the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP706X, failing to maintain the monthly fuel flow usage records for the portable diesel engines, failing to conduct the Total Dissolved Solids ("TDS") sampling for the Cooling Towers, and failing to report 42 non-reportable emissions events.  
**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
			x		7.0%

**Matrix Notes** More than 30% but less than 70% of the rule requirements were not met.

**Adjustment** \$23,250  
 \$1,750

**Violation Events**

Number of Violation Events: 1      535 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,750

One single event is recommended.

**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** \$1,750

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$282	Violation Final Penalty Total \$3,483
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$3,483	

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$1,500	9-Sep-2019	1-Dec-2022	3.23	\$242	n/a	\$242
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	9-Sep-2019	1-Dec-2022	3.23	\$40	n/a	\$40

**Notes for DELAYED costs**

Estimated costs to submit a revised deviation report for the February 11, 2019 through August 10, 2019 reporting period to report the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP706X, failing to maintain the monthly fuel flow usage records for the portable diesel engines, failing to conduct the TDS sampling for the Cooling Towers, and failing to report 42 non-reportable emissions events (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required is the date the deviations should have been reported and the Final Dates are the estimated dates of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$1,750

**TOTAL** \$282

**Screening Date** 25-Feb-2021  
**Respondent** INEOS USA LLC  
**Case ID No.** 60439

**Docket No.** 2021-0298-AIR-E

**PCW**

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

**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air

**Enf. Coordinator** Danielle Porras

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1439, GTC, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to report all instances of deviations. Specifically, the deviation report for the August 11, 2019 through February 10, 2020 reporting period did not include the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP2802X and failing to report 35 non-reportable emissions events.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
			x		7.0%

**Matrix Notes** More than 30% but less than 70% of the rule requirements were not met.

**Adjustment** \$23,250

\$1,750

**Violation Events**

Number of Violation Events 1 351 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,750

One single event is recommended.

**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** \$1,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$34

**Violation Final Penalty Total** \$3,483

**This violation Final Assessed Penalty (adjusted for limits)** \$3,483

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	11-Mar-2020	1-Dec-2022	2.73	\$34	n/a	\$34

**Notes for DELAYED costs**

Estimated cost to submit a revised deviation report for the August 11, 2019 through February 10, 2020 reporting period to report the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP2802X and failing to report 35 non-reportable emissions events. The Date Required is the date the deviations should have been reported and the Final Date is the estimated date of compliance.

See the Economic Benefit in Violation No. 1 in this PCW for the estimated cost to implement measures and/or procedures designed to ensure that all deviations are reported in a timely manner.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$250

**TOTAL** \$34

**Screening Date** 25-Feb-2021  
**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Docket No.** 2021-0298-AIR-E

**PCW**

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

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 49823, Special Conditions ("SC") No. 2, FOP No. O1439, GTC and Special Terms and Conditions ("STC") No. 13, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 1.76 pounds per hour ("lbs/hr") for 168 hours on eight days from February 15, 2019 through February 28, 2019 for the FCM2 Dryer Vent and Storage Vent, Emissions Point Number ("EPN") PE-FCM2DRY, PE-FCM2STG, resulting in 18.59 lbs of unauthorized VOC emissions.

**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 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 1 8 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended for the instances of non-compliance that occurred from February 15, 2019 through February 28, 2019.

**Good Faith Efforts to Comply**

25.0%

Reduction \$937

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

**Notes** The Respondent achieved compliance on April 30, 2019, prior to the Notice of Enforcement ("NOE") dated February 12, 2021.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$9

**Violation Final Penalty Total** \$6,526

**This violation Final Assessed Penalty (adjusted for limits)** \$6,526

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$900	15-Feb-2019	30-Apr-2019	0.20	\$9	n/a	\$9
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Actual cost to obtain an amendment for NSR Permit No. 49823 that increased the VOC hourly MAERs for the FCM2 Dryer Vent and Storage Vent, EPN PE-FCM2DRY, PE-FCM2STG, and FCM3 Dryer Vent and Storage Vent, EPN PE-FCM3DRY, PE-FCM3STG. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$900

**TOTAL** \$9

**Screening Date** 25-Feb-2021  
**Respondent** INEOS USA LLC  
**Case ID No.** 60439

**Docket No.** 2021-0298-AIR-E

**PCW**

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

**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)

**Media** Air

**Enf. Coordinator** Danielle Porras

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.76 lbs/hr for 336 hours on 14 days from February 15, 2019 through February 28, 2019 for the FCM3 Dryer Vent and Storage Vent, EPN PE-FCM3DRY, PE-FCM3STG, resulting in 114.24 lbs of unauthorized VOC emissions.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

**Percent** 15.0%

>> **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 1 14 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended for the instances of non-compliance that occurred from February 15, 2019 through February 28, 2019.

**Good Faith Efforts to Comply**

25.0%

Reduction \$937

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

Extraordinary		
Ordinary	X	
N/A		

Notes

The Respondent achieved compliance on April 30, 2019, prior to the NOE dated February 12, 2021.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$6,526

**This violation Final Assessed Penalty (adjusted for limits)** \$6,526

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

See the Economic Benefit in Violation No. 3 in this PCW.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

**TOTAL** \$0



**Screening Date** 25-Feb-2021  
**Respondent** INEOS USA LLC  
**Case ID No.** 60439

**Docket No.** 2021-0298-AIR-E

**PCW**

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

**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)

**Media** Air

**Enf. Coordinator** Danielle Porras

**Violation Number** 5

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.121, 122.210(a), and 122.143(4), FOP No. O1439, GTC and STC No. 17, and Tex. Health & Safety Code §§ 382.054 and 382.085(b)

**Violation Description** Failed to submit an application to revise an FOP to change, add, or remove one or more permit terms or conditions. Specifically, the Respondent did not submit an application to revise FOP No. O1439 within 30 days to incorporate the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1      286 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$3,750

One single event is recommended.

**Good Faith Efforts to Comply**

25.0%

Reduction \$937

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

**Notes** The Respondent achieved compliance on March 11, 2020, prior to the NOE dated February 12, 2021.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$196

**Violation Final Penalty Total** \$6,526

**This violation Final Assessed Penalty (adjusted for limits)** \$6,526

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	\$5,000	30-May-2019	11-Mar-2020	0.78	\$196	n/a	\$196
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to submit a revision application for FOP No. O1439 to incorporate the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019. The Date Required is the date the FOP revision application was due and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$196

**Screening Date** 25-Feb-2021  
**Respondent** INEOS USA LLC  
**Case ID No.** 60439

**Docket No.** 2021-0298-AIR-E

**PCW**

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

**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)

**Media** Air

**Enf. Coordinator** Danielle Porras

**Violation Number** 6

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for 453 hours on 24 days from November 12, 2019 through December 19, 2019 for Cooling Tower CT1, EPN PE-CT1, resulting in 511.89 lbs of unauthorized VOC emissions.

**Base Penalty** \$25,000

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

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 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 1      24 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended for the instances of non-compliance that occurred from November 12, 2019 through December 19, 2019.

**Good Faith Efforts to Comply**

25.0%

Reduction \$937

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

Notes

The Respondent achieved compliance on December 19, 2019, prior to the NOE dated February 12, 2021.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$51

**Violation Final Penalty Total** \$6,526

**This violation Final Assessed Penalty (adjusted for limits)** \$6,526

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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)	\$10,000	12-Nov-2019	19-Dec-2019	0.10	\$51	n/a	\$51

**Notes for DELAYED costs** Estimated cost to repair the leak on the heat exchanger on a compressor in order to comply with the VOC hourly MAER for Cooling Tower CT1, EPN PE-CT1. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$51

**Screening Date** 25-Feb-2021  
**Respondent** INEOS USA LLC  
**Case ID No.** 60439

**Docket No.** 2021-0298-AIR-E

**PCW**

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

**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)

**Media** Air

**Enf. Coordinator** Danielle Porras

**Violation Number** 7

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 4.17 lbs/hr for 313 hours on 15 days from February 3, 2020 through February 17, 2020 for the CM7 Dryer Vent and Storage Vent, EPN PE-CM7DRY, PE-CM7STG, resulting in 81.38 lbs of unauthorized VOC emissions.

**Base Penalty** \$25,000

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

**Percent** 15.0%

**>> 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 1 15 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended for the instances of non-compliance that occurred from February 3, 2020 through February 17, 2020.

**Good Faith Efforts to Comply**

25.0%

Reduction \$937

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

Extraordinary		
Ordinary	X	
N/A		

**Notes**

The Respondent achieved compliance on February 17, 2020, prior to the NOE dated February 12, 2021.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$19

**Violation Final Penalty Total** \$6,526

**This violation Final Assessed Penalty (adjusted for limits)** \$6,526

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 1)  
**Media** Air  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$10,000	3-Feb-2020	17-Feb-2020	0.04	\$19	n/a	\$19

**Notes for DELAYED costs**

Estimated cost to lower the concentration of the sampled polymer in order to comply with the VOC hourly MAER for the CM7 Dryer Vent and Storage Vent, EPN PE-CM7DRY, PE-CM7STG. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$19



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	23-Aug-2021	<b>Screening</b>	23-Aug-2021	<b>EPA Due</b>	11-Aug-2021
	<b>PCW</b>	26-Jul-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	INEOS USA LLC
<b>Reg. Ent. Ref. No.</b>	RN100229905 (PCW No. 2)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60439	<b>No. of Violations</b>	5
<b>Docket No.</b>	2021-0298-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$325,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>99.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$321,750</b>
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Notes: Enhancement for two NOV's with same or similar violations, two NOV's with dissimilar violations, three orders containing a denial of liability, and one order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$72,250</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$3,953	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$70,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$574,500</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$574,500</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$574,500</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended because the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(6).

<b>PAYABLE PENALTY</b>	<b>\$574,500</b>
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**Screening Date** 23-Aug-2021

**Docket No.** 2021-0298-AIR-E

**PCW**

**Respondent** INEOS USA LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 60439

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)

**Media** Air

**Enf. Coordinator** Danielle Porras

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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	1	25%
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)** 99%

#### >> 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 two NOVs with same or similar violations, two NOVs with dissimilar violations, three orders containing a denial of liability, and one order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 99%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 99%



**Screening Date** 23-Aug-2021 **Docket No.** 2021-0298-AIR-E **PCW**  
**Respondent** INEOS USA LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60439 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 1

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 101.20(1), 115.352(2)(A), and 122.143(4), 40 Code of Federal Regulations § 60.482-9(a), Federal Operating Permit ("FOP") No. O1439, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 1.A, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to repair leaking equipment that were identified as delay of repair before the end of the next process unit shutdown. Specifically, the Respondent placed the leaking components with Tag Nos. 128599.3, 124770, and 114578.2 on delay of repair and attempted to repair these leaking components before the turnaround ended on November 4, 2019, but the newly replaced flange gasket on Tag No. 114578.2 was discovered to be leaking after the turnaround ended on November 4, 2019 and Tag Nos. 128599.3 and 124770 were repaired on November 11, 2019, resulting in approximately 7,690.16 pounds of volatile organic compounds ("VOC") emissions.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes**  
 Human health and the environment have 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 this violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 8 658 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$60,000

Eight quarterly events are recommended from the November 4, 2019 turnaround date to the August 23, 2021 screening date.

**Good Faith Efforts to Comply** 10.0% Reduction \$6,000

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

**Notes**  
 The Respondent completed the corrective actions by November 4, 2021, after the Notice of Enforcement ("NOE") dated August 17, 2021.

**Violation Subtotal** \$54,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$3,004 **Violation Final Penalty Total** \$113,400

**This violation Final Assessed Penalty (adjusted for limits)** \$113,400

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$30,000	4-Nov-2019	4-Nov-2021	2.00	\$3,004	n/a	\$3,004

**Notes for DELAYED costs**

Estimated costs to replace an air lock for the component with Tag No. 128599.3 (\$10,000), to install a new gasket on the flange with Tag No. 124770 (\$10,000), and to repair the leaking flange with Tag No. 114678.2 (\$10,000). The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$30,000

**TOTAL** \$3,004

**Screening Date** 23-Aug-2021 **Docket No.** 2021-0298-AIR-E **PCW**  
**Respondent** INEOS USA LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60439 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 49823, Special Conditions ("SC") No. 2, FOP No. O1439, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 15.76 pounds per hour ("lbs/hr") for two hours on August 28, 2020 and the nitrogen oxides ("NOx") MAER of 25.03 tons per year based on a 12-month rolling period for the 12-month periods ending from November 2019 through May 2020 for Cogen Unit 1, Emissions Point Number ("EPN") PE-HRSG21, resulting in 49.44 lbs of unauthorized CO emissions and 0.79 ton of unauthorized NOx emissions.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** 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 this violation

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 4 213 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$30,000

Four quarterly events are recommended for the instances of non-compliance that occurred from November 1, 2019 to May 31, 2020 and on August 28, 2020.

**Good Faith Efforts to Comply** 25.0% Reduction \$7,500

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

**Notes** The Respondent completed the corrective actions by August 28, 2020, prior to the NOE dated February 28, 2022.

**Violation Subtotal** \$22,500

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$496 **Violation Final Penalty Total** \$52,200

**This violation Final Assessed Penalty (adjusted for limits)** \$52,200

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$10,000	1-Sep-2019	28-Aug-2020	0.99	\$496	n/a	\$496

**Notes for DELAYED costs**

Estimated cost to complete maintenance on the Cogen Unit 1 in order to comply with the NOx annual MAER and resolve the synchronization issue with the generator in order to comply with the CO hourly MAER for Cogen Unit 1, EPN PE-HRSG21. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$496

**Screening Date** 23-Aug-2021 **Docket No.** 2021-0298-AIR-E **PCW**  
**Respondent** INEOS USA LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60439 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for a total of 1,584 hours on 69 days from November 1, 2020 to January 25, 2021 for Cooling Tower CT1, EPN PE-CT1, resulting in 27,669.70 lbs of unauthorized VOC emissions.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual		x		<b>Percent</b> 50.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 3 69 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$37,500

Three monthly events are recommended for the instances of non-compliance that occurred from November 1, 2020 to January 25, 2021.

**Good Faith Efforts to Comply** 25.0% Reduction \$9,375

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

**Notes** The Respondent completed the corrective actions by January 26, 2021, prior to the NOE dated February 28, 2022.

**Violation Subtotal** \$28,125

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$118 **Violation Final Penalty Total** \$65,250

**This violation Final Assessed Penalty (adjusted for limits)** \$65,250

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$10,000	1-Nov-2020	26-Jan-2021	0.24	\$118	n/a	\$118

**Notes for DELAYED costs**

Estimated cost to demonstrate compliance with the VOC hourly MAER for Cooling Tower CT1, EPN PE-CT1. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$118

**Screening Date** 23-Aug-2021 **Docket No.** 2021-0298-AIR-E **PCW**  
**Respondent** INEOS USA LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60439 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.63 lb/hr for a total of 2,182 hours on 93 days from November 1, 2020 to February 1, 2021 for Cooling Tower CT2A, EPN PE-CT2A, resulting in 144,641.77 lbs of unauthorized VOC emissions.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual		x		<b>Percent</b> 50.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 14 93 Number of violation days

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$175,000

Fourteen weekly events are recommended for the instances of non-compliance that occurred from November 1, 2020 to February 1, 2021.

**Good Faith Efforts to Comply** 25.0% Reduction \$43,750

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

**Notes** The Respondent completed the corrective actions by March 12, 2021, prior to the NOE dated February 28, 2022

**Violation Subtotal** \$131,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$179 **Violation Final Penalty Total** \$304,500

**This violation Final Assessed Penalty (adjusted for limits)** \$304,500

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$10,000	1-Nov-2020	12-Mar-2021	0.36	\$179	n/a	\$179

**Notes for DELAYED costs** Estimated cost to isolate and replace the leaking exchanger in order to comply with the VOC hourly MAER for Cooling Tower CT2A, EPN PE-CT2A. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$179



**Screening Date** 23-Aug-2021 **Docket No.** 2021-0298-AIR-E **PCW**  
**Respondent** INEOS USA LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60439 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.67 lb/hr for a total of 1,138 hours on 52 days from November 18, 2020 to January 22, 2021 for Cooling Tower CT2B, EPN PE-CT2B, resulting in 6,767.92 lbs of unauthorized VOC emissions.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes: 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 this violation

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events: 3      52 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$22,500

Three monthly events are recommended for the instances of non-compliance that occurred from November 18, 2020 to January 22, 2021.

**Good Faith Efforts to Comply** 25.0% Reduction \$5,625

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

Notes: The Respondent completed the corrective actions by March 12, 2021, prior to the NOE dated February 28, 2022

**Violation Subtotal** \$16,875

**Economic Benefit (EB) for this violation      Statutory Limit Test**

**Estimated EB Amount** \$156      **Violation Final Penalty Total** \$39,150

**This violation Final Assessed Penalty (adjusted for limits)** \$39,150

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 60439  
**Reg. Ent. Reference No.** RN100229905 (PCW No. 2)  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$10,000	18-Nov-2020	12-Mar-2021	0.31	\$156	n/a	\$156

**Notes for DELAYED costs** Estimated cost to isolate and repair the exchanger in order to comply with the VOC hourly MAER for Cooling Tower CT2B, EPN PE-CT2B. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$156

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 CN602817884, RN100229905, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN602817884, INEOS USA LLC **Classification:** SATISFACTORY **Rating:** 6.85  
**Regulated Entity:** RN100229905, INEOS POLYETHYLENE NORTH AMERICA LA PORTE PLANT **Classification:** SATISFACTORY **Rating:** 11.03  
**Complexity Points:** 22 **Repeat Violator:** NO  
**CH Group:** 05 - Chemical Manufacturing  
**Location:** 1230 INDEPENDENCE PARKWAY SOUTH, LA PORTE, HARRIS COUNTY, TEXAS  
**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0665E  
**AIR OPERATING PERMITS** PERMIT 3758

**AIR NEW SOURCE PERMITS** PERMIT 49823  
**AIR NEW SOURCE PERMITS** REGISTRATION 33637  
**AIR NEW SOURCE PERMITS** REGISTRATION 42369  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100004  
**AIR NEW SOURCE PERMITS** REGISTRATION 110990  
**AIR NEW SOURCE PERMITS** REGISTRATION 111012  
**AIR NEW SOURCE PERMITS** REGISTRATION 110997  
**AIR NEW SOURCE PERMITS** REGISTRATION 166822  
**AIR NEW SOURCE PERMITS** REGISTRATION 167326  
**AIR NEW SOURCE PERMITS** REGISTRATION 164778  
**AIR NEW SOURCE PERMITS** REGISTRATION 160743  
**AIR NEW SOURCE PERMITS** REGISTRATION 156179

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 57482

**WASTEWATER** EPA ID TX0006033

**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00633

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD980625958

**TAX RELIEF** ID NUMBER 20444

**AIR OPERATING PERMITS** PERMIT 1439  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION  
1011097  
**AIR NEW SOURCE PERMITS** REGISTRATION 28146  
**AIR NEW SOURCE PERMITS** REGISTRATION 41293  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0665E  
**AIR NEW SOURCE PERMITS** PERMIT 106824  
**AIR NEW SOURCE PERMITS** REGISTRATION 111004  
**AIR NEW SOURCE PERMITS** REGISTRATION 110971  
**AIR NEW SOURCE PERMITS** REGISTRATION 164349  
**AIR NEW SOURCE PERMITS** REGISTRATION 168529  
**AIR NEW SOURCE PERMITS** REGISTRATION 164776  
**AIR NEW SOURCE PERMITS** REGISTRATION 153914  
**AIR NEW SOURCE PERMITS** REGISTRATION 160744  
**AIR NEW SOURCE PERMITS** REGISTRATION 156176  
**WASTEWATER** PERMIT WQ0000544000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER  
HG0665E  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30704  
**TAX RELIEF** ID NUMBER 20448

**TAX RELIEF** ID NUMBER 20438

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** May 17, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 17, 2017 to May 17, 2022

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

**Name:** Danielle Porras

**Phone:** (713) 767-3682

## 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: 08/22/2018 ADMINORDER 2017-0736-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
Classification: Moderate  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Term & Condition 1A OP  
Description: Failure to repair delay of repair components during a scheduled unit shutdown (CATEGORY B19.g.7 Violation)
- 2 Effective Date: 04/26/2019 ADMINORDER 2018-0400-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to identify NSR authorization or regulatory compliance documentation for four small atmospheric process vents. (Category B9)
- 3 Effective Date: 05/12/2020 ADMINORDER 2019-0975-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: FOP, Special Term & Condition 13 OP  
NSR, Special Condition 2 PERMIT  
Description: Failure to maintain vents (EPNs: PE-FCM2DRY and PE-FCM2STG) VOC emissions within Maximum Allowable Emission Rates (MAERT) limit. [Category A8, GC 2]  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: FOP, Special Term & Condition 13 OP  
NSR, Special Condition 2 PERMIT  
Description: Failure to maintain process vents (EPNs: PE-FCM3DRY and PE-FCM3STG) VOC emissions within Maximum Allowable Emission Rates (MAERT) limit. [Category A8, GC 2]
- 4 Effective Date: 08/25/2021 ADMINORDER 2020-1179-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Term and Condition 9 PERMIT  
Description: Failed to comply with the MAERs. Specifically, the Respondent exceeded the NOx MAER of 12.66 tons per year ("tpy"), the CO MAER of 65.21 tpy, and the VOC MAER of 71.10 tpy, each based on a 12-month rolling period, for the 12-month periods ending from July 2018 through April 2019 for the Polyethylene Flare (Routine Operation), EPN PE-FLARE2, resulting in the unauthorized release of 3.73 tons of NOx emissions, 19.65 tons of CO emissions, and 18.17 tons of VOC 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	May 24, 2017	(1410803)
Item 2	June 19, 2017	(1431222)
Item 3	July 10, 2017	(1417147)
Item 4	July 14, 2017	(1422244)
Item 5	July 19, 2017	(1439831)
Item 6	August 14, 2017	(1443519)
Item 7	August 24, 2017	(1474531)
Item 8	September 13, 2017	(1450146)
Item 9	October 17, 2017	(1455966)
Item 10	November 20, 2017	(1461447)
Item 11	December 14, 2017	(1467826)
Item 12	February 19, 2018	(1486757)
Item 13	April 20, 2018	(1493671)
Item 14	May 16, 2018	(1500589)
Item 15	June 08, 2018	(1481822)
Item 16	June 12, 2018	(1507706)
Item 17	July 17, 2018	(1514023)
Item 18	August 16, 2018	(1520085)
Item 19	September 17, 2018	(1527250)
Item 20	October 04, 2018	(1506534)
Item 21	October 17, 2018	(1533608)
Item 22	November 15, 2018	(1541443)
Item 23	December 19, 2018	(1545227)
Item 24	January 17, 2019	(1559656)
Item 25	March 19, 2019	(1559655)
Item 26	April 16, 2019	(1571824)
Item 27	May 20, 2019	(1583257)
Item 28	July 18, 2019	(1593137)
Item 29	September 20, 2019	(1606388)
Item 30	October 17, 2019	(1613234)
Item 31	November 14, 2019	(1619048)
Item 32	December 10, 2019	(1626400)
Item 33	January 17, 2020	(1634041)
Item 34	February 13, 2020	(1640660)
Item 35	February 19, 2020	(1624538)
Item 36	March 19, 2020	(1647180)
Item 37	April 16, 2020	(1653516)
Item 38	May 13, 2020	(1660103)
Item 39	June 18, 2020	(1666607)
Item 40	July 16, 2020	(1673564)
Item 41	August 20, 2020	(1680339)
Item 42	August 27, 2020	(1633655)
Item 43	October 15, 2020	(1693255)
Item 44	November 19, 2020	(1712455)
Item 45	December 17, 2020	(1712456)
Item 46	January 18, 2021	(1712457)
Item 47	February 22, 2021	(1725510)
Item 48	March 15, 2021	(1725511)
Item 49	April 16, 2021	(1725512)
Item 50	July 20, 2021	(1751704)
Item 51	August 20, 2021	(1757168)
Item 52	August 24, 2021	(1751418)
Item 53	September 20, 2021	(1766248)
Item 54	October 18, 2021	(1776711)
Item 55	November 29, 2021	(1783620)
Item 56	December 14, 2021	(1790646)
Item 57	January 17, 2022	(1798440)
Item 58	February 17, 2022	(1806314)

## 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: 05/31/2021 (1747578)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 02/28/2022 (1757064)  
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 11(E) PERMIT  
Special Terms & Conditions 1A & 13 OP  
Description: Failure to prevent open ended lines (OELs) (Category C10).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Description: Failure to perform the first repair attempt in the required timeframe (Category C1).  
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)  
Special Term & Condition 1A OP  
Description: Failure to perform HRVOC sampling during analyzer downtime on the Polyethylene Flare (EPN: PE-FLARE) (Category C1).  
Self Report? NO Classification: Minor  
Citation: 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 Term & Condition 1A OP  
Description: Failure to maintain the minimum net heating value for the Polyethylene Flare (EPN: PE-Flare) (Category 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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 PERMIT  
Special Term & Condition 13 OP  
Description: Failure to conduct twice monthly sample of the PE flare and pellet handling system (EPNs: PE-CM10DRY; PE-CM10STG; and PE-CM10FV) (Category C1).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(a)  
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 tags on leaking components (Category C1).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2 PERMIT  
Special Term & Condition 13 OP  
Description: Failure to prevent exceedance of the MAERT for EPN: PE-HRSG23 (Category B13).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Description: Failure to prevent visible emissions from the Polyethylene Flare (EPN: PE-Flare) (Category C4).

3 Date: 02/28/2022 (1813381)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

4 Date: 05/12/2022 (1775647)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11E PERMIT  
Special Term and Condition 1(A) OP  
Special Term and Condition 9 OP  
Description: Failure to prevent open-ended lines (Category C10).  
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)  
Special Condition 8A PERMIT  
Special Term and Condition 1A OP  
Special Term and Condition 9 OP  
Description: Failure to maintain the net heating value for the Polyethylene Flare unit (EPN: PE-FLARE2) within permitted limits (Category C7).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8D PERMIT  
Special Term and Condition 1A OP  
Special Term and Condition 9 OP  
Description: Failure to prevent visible emissions from the Polyethylene Flare unit (EPN: PE-FLARE2) (Category C7).  
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 16D PERMIT  
Special Term and Condition 9 OP  
Description: Failure to conduct stack sampling for the Pellet Handling Systems unit (EPN: PE-FINISH1) within the required time frame (Category C1).  
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 9 OP  
Description: Failure to maintain hourly volatile organic compound (VOC) emissions within permitted limits for the Pellet Handling Systems unit (EPN: PE-FINISH1) (Category B12).  
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 6(B) PERMIT  
Special Term and Condition 9 OP  
Description: Failure to maintain the 24-hour rolling volatile organic compound (VOC) concentrations within permitted limits for the Pellet Handling Systems unit (EPN: PE-FINISH1) (Category B12).  
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 7 PERMIT  
Special Term and Condition 9 OP  
Description: Failure to collect required additional polyethylene samples for the Pellet Handling Systems unit (EPN: PE-FINISH1) (Category C1).

**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 USA LLC  
RN100229905

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-0298-AIR-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 1230 Independence Parkway South in La Porte, 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 \$614,092 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$303,087 of the penalty and \$7,918 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, \$303,087 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Projects ("SEPs") as defined in the attached SEP Agreements ("Attachment A" and "Attachment B", 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 Agreements, 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 obtaining an amendment for New Source Review ("NSR") Permit No. 49823 that increased the volatile organic compounds ("VOC") hourly maximum allowable emissions rate ("MAER") for the FCM2 Dryer Vent and Storage Vent, Emissions Point Number ("EPN") PE-FCM2DRY, PE-FCM2STG, and FCM3 Dryer Vent and Storage Vent, EPN PE-FCM3DRY, PE-FCM3STG, on April 30, 2019;
  - b. By replacing an air lock for the component with Tag No. 128599.3 and installing a new gasket on the flange with Tag No. 124770, on November 11, 2019;
  - c. By repairing the leak on the heat exchanger on a compressor in order to comply with the VOC hourly MAER for Cooling Tower CT1, EPN PE-CT1, on December 19, 2019;
  - d. By lowering the concentration of the sampled polymer in order to comply with the VOC hourly MAER for the CM7 Dryer Vent and Storage Vent EPN PE-CM7DRY, PE-CM7STG, on February 17, 2020;
  - e. By submitting a revision application for Federal Operating Permit ("FOP") No. O1439 to incorporate the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019, on March 11, 2020;
  - f. By completing maintenance on the Cogen Unit 1 in order to comply with the nitrogen oxides ("NOx") annual MAER and resolving the synchronization issue with the generator in order to comply with the carbon monoxide ("CO") hourly MAER for Cogen Unit 1, EPN PE-HRSG21, by August 28, 2020;

- g. By demonstrating compliance with the VOC hourly MAER for Cooling Tower CT1, EPN PE-CT1, by January 26, 2021;
- h. By isolating and replacing the leaking exchanger in order to comply with the VOC hourly MAER for Cooling Tower CT2A, EPN PE-CT2A, by March 12, 2021;
- i. By isolating and repairing the leaking exchanger in order to comply with the VOC hourly MAER for Cooling Tower CT2B, EPN PE-CT2B, by March 12, 2021;
- j. By obtaining the revision for FOP No. O1439 that incorporated the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019, on June 4, 2021; and
- k. By repairing the leaking flange with Tag No. 114678.2, on November 4, 2021.

## II. ALLEGATIONS

- 1. During a record review for the Plant conducted from October 28, 2020 to February 4, 2021, an investigator documented that the Respondent:
  - a. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1439, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the February 11, 2019 through August 10, 2019 reporting period did not include the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP706X, failing to maintain the monthly fuel flow usage records for the portable diesel engines, failing to conduct the Total Dissolved Solids ("TDS") sampling for the Cooling Towers, and failing to report 42 non-reportable emissions events.
  - b. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1439, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the August 11, 2019 through February 10, 2020 reporting period did not include the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP2802X and failing to report 35 non-reportable emissions events.
  - c. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, Special Conditions ("SC") No. 2, FOP No. O1439, GTC and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 1.76 pounds per hour ("lbs/hr") for 168 hours on eight days from February 15, 2019 through February 28, 2019 for the FCM2 Dryer Vent and Storage Vent, EPN PE-FCM2DRY, PE-FCM2STG, resulting in 18.59 pounds ("lbs") of unauthorized VOC emissions.
  - d. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 1.76 lbs/hr for 336 hours on 14 days from February 15, 2019 through February 28, 2019 for the

FCM3 Dryer Vent and Storage Vent, EPN PE-FCM3DRY, PE-FCM3STG, resulting in 114.24 lbs of unauthorized VOC emissions.

- e. Failed to submit an application to revise an FOP to change, add, or remove one or more permit terms or conditions, in violation of 30 TEX. ADMIN. CODE §§ 122.121, 122.210(a), and 122.143(4), FOP No. O1439, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b). Specifically, the Respondent did not submit an application to revise FOP No. O1439 within 30 days to incorporate the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019.
  - f. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for 453 hours on 24 days from November 12, 2019 through December 19, 2019 for Cooling Tower CT1, EPN PE-CT1, resulting in 511.89 lbs of unauthorized VOC emissions.
  - g. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 4.17 lbs/hr for 313 hours on 15 days from February 3, 2020 through February 17, 2020 for the CM7 Dryer Vent and Storage Vent, EPN PE-CM7DRY, PE-CM7STG, resulting in 81.38 lbs of unauthorized VOC emissions.
2. During a record review for the Plant conducted on August 11, 2021 through August 13, 2021, an investigator documented that the Respondent failed to repair leaking equipment that were identified as delay of repair before the end of the next process unit shutdown, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.352(2)(A), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.482-9(a), FOP No. O1439, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent placed the leaking components with Tag Nos. 128599.3, 124770, and 114578.2 on delay of repair and attempted to repair these leaking components before the turnaround ended on November 4, 2019, but the newly replaced flange gasket on Tag No. 114578.2 was discovered to be leaking after the turnaround ended on November 4, 2019 and Tag Nos. 128599.3 and 124770 were repaired on November 11, 2019, resulting in approximately 7,690.16 lbs of VOC emissions.
  3. During a record review for the Plant conducted on November 3, 2021, an investigator documented that the Respondent:
    - a. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MAER of 15.76 lbs/hr for two hours on August 28, 2020 and the NOx MAER of 25.03 tons per year based on a 12-month rolling period for the 12-month periods ending from November 2019 through May 2020 for Cogen Unit 1, EPN PE-HRSG21, resulting in 49.44 lbs of unauthorized CO emissions and 0.79 ton of unauthorized NOx emissions.

- b. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for a total of 1,584 hours on 69 days from November 1, 2020 to January 25, 2021 for Cooling Tower CT1, EPN PE-CT1, resulting in 27,669.70 lbs of unauthorized VOC emissions.
- c. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 0.63 lb/hr for a total of 2,182 hours on 93 days from November 1, 2020 to February 1, 2021 for Cooling Tower CT2A, EPN PE-CT2A, resulting in 114,641.77 of unauthorized VOC emissions.
- d. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 49823, SC No. 2, FOP No. O1439, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 0.67 lb/hr for a total of 1,138 hours on 52 days from November 18, 2020 to January 22, 2021 for Cooling Tower CT2B, EPN PE-CT2B, resulting in 6,767.92 of unauthorized VOC emissions.

### 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 No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2021-0298-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 the SEPs as set forth in Section I, Paragraph No. 4. The amount of \$303,087 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEPs pursuant to the terms of the SEP Agreements, as defined in Attachment A and Attachment B. Penalty payments for any portion of the SEPs 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 at the Plant:
- a. Within 30 days after the effective date of this Order:
    - i. Submit a revised deviation report for the February 11, 2019 through August 10, 2019 reporting period to report the deviations for failing to comply with the 100 pounds per year limit based on a rolling 12-month average for Diesel Engine PE-FP706X, failing to maintain the monthly fuel flow usage records for the portable diesel engines, failing to conduct the TDS sampling for the Cooling Towers, and failing to report 42 non-reportable emissions events;
    - ii. Submit a revised deviation report for the August 11, 2019 through February 10, 2020 reporting period to report the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP2802X and failing to report 35 non-reportable emissions events; and
    - iii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.
  - 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:

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 Enforcement Division 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

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For the Commission  
  
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For the Executive Director

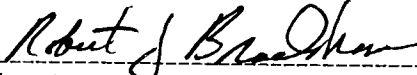
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10/24/2022  
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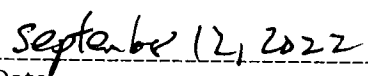
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

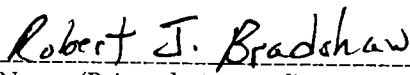
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:


- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG 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.

  
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Signature

  
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Date

  
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Name (Printed or typed)

  
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Title

Authorized Representative of  
INEOS USA LLC

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

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



**Attachment A**  
**Docket Number: 2021-0298-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INEOS USA LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$606,174</b>
<b>SEP Offset Amount:</b>	<b>\$151,544</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston-Galveston Area Council-AERCO</b>
<b>Project Name:</b>	<b><i>Clean Vehicles Partnership Project</i></b>
<b><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</b>	

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 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 to settle this enforcement action. The Respondent shall not profit 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 many 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  
Emission Reduction Credit Corporation  
Attn: Air Quality Program Manager  
3555 Timmons Lane, Suite 120  
Houston, Texas 77027

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

Concurrent with the payment of the SEP Offset Amount, the 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:

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

### 5. **Publicity**

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

### 6. **Recognition**

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

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

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Attachment B**  
**Docket Number: 2021-0298-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INEOS USA LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$606,174</b>
<b>SEP Offset Amount:</b>	<b>\$151,543</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment B.

**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 Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. 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 operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed 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 it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation  
c/o Christopher B. Amandes  
Amandes PLLC  
1414 West Clay Street  
Houston, Texas 77019

**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 due 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 B, 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:

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 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.