

Executive Summary – Enforcement Matter – Case No. 60587

INEOS USA LLC

RN100238708

Docket No. 2021-0473-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2021-0818-AIR-E, 2022-1565-AIR-E, and 2023-0132-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 7, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$46,468

Amount Deferred for Expedited Settlement: \$9,293

Total Paid to General Revenue: \$18,588

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$18,587

Name of SEP: Texas City Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 1, 2020, December 9, 2020 through December 23, 2020, December 10, 2020 through December 23, 2020, and June 30, 2021 through July 13, 2021

Date(s) of NOE(s): January 4, 2021, March 22, 2021, and November 8, 2021

Executive Summary – Enforcement Matter – Case No. 60587

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Docket No. 2021-0473-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 60,436.66 pounds ("lbs") of volatile organic compounds ("VOC"), 79,128.27 lbs of carbon monoxide ("CO"), and 15,554.09 lbs of nitrogen oxides ("NOx") from the No. 2 Olefins Flare, Emissions Point Number ("EPN") DDM-3101, during an emissions event (Incident No. 342047) that began on September 11, 2020 and lasted 57 hours. The emission event occurred due to a collapsed strainer on Ethylene Compressor C501, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded for asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 95 and PSDTX854M2, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O2327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to identify the required information on the final record for a scheduled maintenance, startup, or shutdown activity. Specifically, the Respondent did not include the reason for the maintenance activity on the final record for Incident No. 342047 [30 TEX. ADMIN. CODE §§ 101.211(b)(1) and 122.143(4), FOP No. O2327, GTC and STC No. 2.G, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 30,131.42 lbs of VOC, 28,921.39 lbs of CO, and 5,682.88 lbs of NOx from the No. 2 Olefins Flare, EPN DDM-3101, during an emissions event (Incident No. 346644) that began on November 25, 2020 and lasted 16 hours. The emissions event occurred when the level transmitter on the level controller on the drum did not read the level correctly that caused the incorrect level reading to not alarm on high level, resulting in the compressor to trip and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,107.34 lbs of VOC, 19,765.92 lbs of CO, and 3,891.90 lbs of NOx from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 346735) that began on November 30, 2020 and lasted 29 hours. The emissions event occurred due to a fuel gas compressor trip that caused the unexpected loss of two steam Cogeneration Units, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better

Executive Summary – Enforcement Matter – Case No. 60587

INEOS USA LLC

RN100238708

Docket No. 2021-0473-AIR-E

operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 23,021.62 lbs of VOC, 32,042.74 lbs of CO, and 6,304.72 lbs of NOx from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 326641) that began on December 15, 2019 and lasted 35 hours. The emissions event occurred due to a temporary loss of power that caused the control valves to switch to their fail position and the Acetylene Reactor to trip, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By December 14, 2020, the Respondent provided the reason for the maintenance activity for Incident No. 342047.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342047;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346644;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346735; and
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 326641.

Executive Summary – Enforcement Matter – Case No. 60587

INEOS USA LLC

RN100238708

Docket No. 2021-0473-AIR-E

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

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: Texas City Independent School District, 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Cathy Culpepper, Site Director, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	30-Mar-2021	Screening	1-Apr-2021	EPA Due	
	PCW	12-Dec-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	INEOS USA LLC (PCW No. 1 of 2)
Reg. Ent. Ref. No.	RN100238708
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60587	No. of Violations	4
Docket No.	2021-0473-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,750
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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.

Compliance History	32.0% Adjustment	Subtotals 2, 3, & 7	\$7,280
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Notes: Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$4,634
 Estimated Cost of Compliance \$31,750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$29,968
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$29,968
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,968
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,993
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,975
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Screening Date 1-Apr-2021

Docket No. 2021-0473-AIR-E

PCW

Respondent INEOS USA LLC (PCW No. 1 of 2)

Policy Revision 4 (April 2014)

Case ID No. 60587

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100238708

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
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) 32%

>> 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 three NOVs with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 1-Apr-2021 **Docket No.** 2021-0473-AIR-E **PCW**
Respondent INEOS USA LLC (PCW No. 1 of 2) *Policy Revision 4 (April 2014)*
Case ID No. 60587 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100238708
Media Air
Enf. Coordinator Danielle Porras

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 95 and PSDTX854M2, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O2327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 60,436.66 pounds ("lbs") of volatile organic compounds ("VOC"), 79,128.27 lbs of carbon monoxide ("CO"), and 15,554.09 lbs of nitrogen oxides ("NOx") from the No. 2 Olefins Flare, Emissions Point Number ("EPN") DDM-3101, during an emissions event (Incident No. 342047) that began on September 11, 2020 and lasted 57 hours. The emission event occurred due to a collapsed strainer on Ethylene Compressor C501, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded for asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Based on the Air Quality Analysis Audit performed on the air dispersion modeling submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply Reduction

	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 \$7,500

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INEOS USA LLC (PCW No. 1 of 2)
Case ID No. 60587
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	11-Sep-2020	1-Aug-2023	2.89	\$1,444	n/a	\$1,444

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342047. Date Required is the date the emissions event began. Final Date is the estimated 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

\$1,444

Screening Date 1-Apr-2021
Respondent INEOS USA LLC (PCW No. 1 of 2)
Case ID No. 60587
Reg. Ent. Reference No. RN100238708
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0473-AIR-E

PCW

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

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.211(b)(1) and 122.143(4), FOP No. O2327, GTC and
 STC No. 2.G, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to identify the required information on the final record for a scheduled
 maintenance, startup, or shutdown activity. Specifically, the Respondent did not
 include the reason for the maintenance activity on the final record for Incident No.
 342047.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INEOS USA LLC (PCW No. 1 of 2)
Case ID No. 60587
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	27-Sep-2020	14-Dec-2020	0.21	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to provide the reason for the maintenance activity for Incident No. 342047. Date Required is the date the final record was due. 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 \$250

TOTAL \$3

Screening Date 1-Apr-2021 **Docket No.** 2021-0473-AIR-E **PCW**
Respondent INEOS USA LLC (PCW No. 1 of 2) *Policy Revision 4 (April 2014)*
Case ID No. 60587 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100238708
Media Air
Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 30,131.42 lbs of VOC, 28,921.39 lbs of CO, and 5,682.88 lbs of NOx from the No. 2 Olefins Flare, EPN DDM-3101, during an emissions event (Incident No. 346644) that began on November 25, 2020 and lasted 16 hours. The emissions event occurred when the level transmitter on the level controller on the drum did not read the level correctly that caused the incorrect level reading to not alarm on high level, resulting in the compressor to trip and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Based on the Air Quality Analysis Audit performed on the air dispersion modeling submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 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 \$7,500

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1,341	Violation Final Penalty Total \$9,900
This violation Final Assessed Penalty (adjusted for limits) \$9,900	

Economic Benefit Worksheet

Respondent INEOS USA LLC (PCW No. 1 of 2)
Case ID No. 60587
Reg. Ent. Reference No. RN100238708
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	25-Nov-2020	1-Aug-2023	2.68	\$1,341	n/a	\$1,341

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346644. Date Required is the date the emissions event began. Final Date is the estimated 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

\$1,341

Screening Date 1-Apr-2021 **Docket No.** 2021-0473-AIR-E **PCW**
Respondent INEOS USA LLC (PCW No. 1 of 2) *Policy Revision 4 (April 2014)*
Case ID No. 60587 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100238708
Media Air
Enf. Coordinator Danielle Porras

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,107.34 lbs of VOC, 19,765.92 lbs of CO, and 3,891.90 lbs of NOx from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 346735) that began on November 30, 2020 and lasted 29 hours. The emissions event occurred due to a fuel gas compressor trip that caused the unexpected loss of two steam Cogeneration Units, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes Based on the Air Quality Analysis Audit performed on the air dispersion modeling submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
Adjustment \$17,500

Adjustment \$17,500 **Subtotal** \$7,500

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	x
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty \$7,500
 One monthly event is recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

Notes The Respondent does not meet the good faith criteria for this violation.
Violation Subtotal \$7,500

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1,334	Violation Final Penalty Total \$9,900
This violation Final Assessed Penalty (adjusted for limits) \$9,900	

Economic Benefit Worksheet

Respondent INEOS USA LLC (PCW No. 1 of 2)
Case ID No. 60587
Reg. Ent. Reference No. RN100238708
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	30-Nov-2020	1-Aug-2023	2.67	\$1,334	n/a	\$1,334

Notes for DELAYED costs Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346735. Date Required is the date the emissions event began. Final Date is the estimated 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 \$1,334



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Nov-2021			
	PCW	12-Dec-2022	Screening	22-Nov-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	INEOS USA LLC (PCW No. 2 of 2)
Reg. Ent. Ref. No.	RN100238708
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60587	No. of Violations	1
Docket No.	2021-0473-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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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.

Compliance History	32.0% Adjustment	Subtotals 2, 3, & 7	\$4,000
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Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,815
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$16,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,300
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,200
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Screening Date 22-Nov-2021

Docket No. 2021-0473-AIR-E

PCW

Respondent INEOS USA LLC (PCW No. 2 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 60587

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100238708

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
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) 32%

>> 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 three NOVs with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 22-Nov-2021 **Docket No.** 2021-0473-AIR-E **PCW**
Respondent INEOS USA LLC (PCW No. 2 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60587 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100238708
Media Air
Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 95 and PSDTX854M2, Special Conditions No. 2, Federal Operating Permit No. O2327, General Terms and Conditions and Special Terms and Conditions No. 26, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 23,021.62 pounds ("lbs") of volatile organic compounds, 32,042.74 lbs of carbon monoxide, and 6,304.72 lbs of nitrogen oxides from the No. 1 Olefins Flare, Emissions Point Number DM-1101, during an emissions event (Incident No. 326641) that began on December 15, 2019 and lasted 35 hours. The emissions event occurred due to a temporary loss of power that caused the control valves to switch to their fail position and the Acetylene Reactor to trip, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Based on the Air Quality Analysis Audit performed on the air dispersion modeling submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1 Number of violation days 2

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One monthly 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 \$12,500

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

Estimated EB Amount \$1,815 **Violation Final Penalty Total** \$16,500

This violation Final Assessed Penalty (adjusted for limits) \$16,500

Economic Benefit Worksheet

Respondent INEOS USA LLC (PCW No. 2 of 2)
Case ID No. 60587
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	15-Dec-2019	1-Aug-2023	3.63	\$1,815	n/a	\$1,815

Notes for DELAYED costs Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 326641. Date Required is the date the emissions event began. Final Date is the estimated 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 \$1,815



Compliance History Report

Compliance History Report for CN602817884, RN100238708, 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: RN100238708, Chocolate Bayou Plant

Classification: SATISFACTORY

Rating: 13.54

Complexity Points: 37

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: Approximately two miles south of the Farm-to-Market Road 2917 and Farm-to-Market Road 2004 intersection in Brazoria County Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL0002S

AIR OPERATING PERMITS PERMIT 2327

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200132

AIR NEW SOURCE PERMITS PERMIT 101

AIR NEW SOURCE PERMITS REGISTRATION 12953

AIR NEW SOURCE PERMITS REGISTRATION 10465

AIR NEW SOURCE PERMITS REGISTRATION 11060

AIR NEW SOURCE PERMITS REGISTRATION 12136

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0002S

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX854

AIR NEW SOURCE PERMITS PERMIT 491A

AIR NEW SOURCE PERMITS PERMIT 4882

AIR NEW SOURCE PERMITS PERMIT 19868

AIR NEW SOURCE PERMITS REGISTRATION 48637

AIR NEW SOURCE PERMITS REGISTRATION 74968

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX793

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX854M2

AIR NEW SOURCE PERMITS REGISTRATION 94567

AIR NEW SOURCE PERMITS REGISTRATION 119368

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642M2

AIR NEW SOURCE PERMITS REGISTRATION 139465

AIR NEW SOURCE PERMITS REGISTRATION 118784

AIR NEW SOURCE PERMITS REGISTRATION 164204

AIR NEW SOURCE PERMITS REGISTRATION 169828

AIR NEW SOURCE PERMITS REGISTRATION 169711

AIR NEW SOURCE PERMITS REGISTRATION 166365

AIR NEW SOURCE PERMITS REGISTRATION 149467

AIR NEW SOURCE PERMITS REGISTRATION 151128

AIR NEW SOURCE PERMITS REGISTRATION 155199

AIR NEW SOURCE PERMITS REGISTRATION 155412

AIR NEW SOURCE PERMITS REGISTRATION 160686

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 12999

UNDERGROUND INJECTION CONTROL PERMIT 5D0400007

WASTEWATER PERMIT WQ0001333000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0002S

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

AIR OPERATING PERMITS PERMIT 1353

AIR OPERATING PERMITS PERMIT 3966

AIR NEW SOURCE PERMITS PERMIT 95

AIR NEW SOURCE PERMITS REGISTRATION 75608

AIR NEW SOURCE PERMITS REGISTRATION 75399

AIR NEW SOURCE PERMITS REGISTRATION 10906

AIR NEW SOURCE PERMITS REGISTRATION 11539

AIR NEW SOURCE PERMITS REGISTRATION 12709

AIR NEW SOURCE PERMITS AFS NUM 4803900014

AIR NEW SOURCE PERMITS PERMIT 488A

AIR NEW SOURCE PERMITS REGISTRATION 1041

AIR NEW SOURCE PERMITS PERMIT 7196

AIR NEW SOURCE PERMITS PERMIT 35735

AIR NEW SOURCE PERMITS REGISTRATION 71820

AIR NEW SOURCE PERMITS REGISTRATION 76394

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX983

AIR NEW SOURCE PERMITS REGISTRATION 78483

AIR NEW SOURCE PERMITS REGISTRATION 87813

AIR NEW SOURCE PERMITS PERMIT 97769

AIR NEW SOURCE PERMITS REGISTRATION 131449

AIR NEW SOURCE PERMITS REGISTRATION 109242

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX135

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1460

AIR NEW SOURCE PERMITS PERMIT AMOC195

AIR NEW SOURCE PERMITS REGISTRATION 168626

AIR NEW SOURCE PERMITS REGISTRATION 164642

AIR NEW SOURCE PERMITS REGISTRATION 164404

AIR NEW SOURCE PERMITS PERMIT 123117

AIR NEW SOURCE PERMITS REGISTRATION 146149

AIR NEW SOURCE PERMITS REGISTRATION 157335

AIR NEW SOURCE PERMITS REGISTRATION 156143

AIR NEW SOURCE PERMITS REGISTRATION 157279

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION

(SWR) 30042

STORMWATER PERMIT TXR05DG63

WASTEWATER EPA ID TX0004821

POLLUTION PREVENTION PLANNING ID NUMBER P00028

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

TAX RELIEF ID NUMBER 23641
TAX RELIEF ID NUMBER 21037

TAX RELIEF ID NUMBER 23910
TAX RELIEF ID NUMBER 21032

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

Date Compliance History Report Prepared: August 16, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 16, 2017 to August 16, 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: 10/21/2019 ADMINORDER 2017-1540-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: STC 1A OP

Description: Failed to install totalizing fuel flow meters with an accuracy of ± 5% on all applicable combustion engines to individually and continuously measure the gas and liquid fuel usage in order to demonstrate continuous compliance with control requirements for NOx in the Houston-Galveston-Brazoria nonattainment area,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 37A PA
STC 19 OP

Description: Failed to conduct fugitive monitoring on 11,782 flanges and connectors in VOC service in accordance with monitoring requirements,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PA
STC 19 PA

Description: Failed to maintain the emissions limit within the maximum allowable emission rate table ("MAERT"), as documented during an investigation conducted on August 1, 2008. Specifically, the Respondent exceeded the Other Source Routine NOx Emissions Cap of 86.91 tons with emissions from October 2006 through September 2007 averaging 170.04 tons.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Special Terms and Conditions No. 18 OP

Description: Failed to maintain the emissions limit within the MAERT, as documented during an investigation conducted on August 1, 2008. Specifically, the Maintenance, Start-up, and Shutdown ("MSS") ethylene emissions for the Olefins #1 and #2 Flares exceeded the rolling limit of 78.75 tpy from January 2007 through February 2007

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Special Condition No. 18 OP

Description: Failed to maintain the emissions limit within the MAERT, as documented during an investigation conducted on August 1, 2008. Specifically, the MSS VOC emissions for the Olefins #1 and #2 Flares exceeded the rolling limit of 87.50 tpy from January 2007 through March 2007

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP Special Term & Condition 20 OP
NSR Special Condition 43H PERMIT

Description: Failure to operate predictive emissions monitoring systems (PEMS) at least 95 percent of the time for four furnaces (EPNs: DB-104, DDB-101C; DDB-104A, & DDB-104B). [Category C4]

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2 PERMIT
Special Terms and Conditions (ST&C) 20 OP

Description: Failure to comply with maximum allowable emission rate (MAER) for CO. (Category A8GC2)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 12, 2017	(1450122)
Item 2	October 03, 2017	(1455942)
Item 3	November 07, 2017	(1461423)
Item 4	December 06, 2017	(1467802)
Item 5	February 12, 2018	(1486733)
Item 6	March 07, 2018	(1513999)
Item 7	July 27, 2018	(1448898)
Item 8	August 10, 2018	(1520061)
Item 9	August 13, 2018	(1480055)
Item 10	September 10, 2018	(1527226)
Item 11	October 10, 2018	(1533584)
Item 12	December 21, 2018	(1513574)
Item 13	January 17, 2019	(1538341)
Item 14	January 24, 2019	(1448603)
Item 15	February 08, 2019	(1540184)
Item 16	February 11, 2019	(1540451)
Item 17	February 12, 2019	(1541034)
Item 18	May 08, 2019	(1583209)
Item 19	July 08, 2019	(1593113)
Item 20	August 02, 2019	(1552294)
Item 21	September 11, 2019	(1606364)
Item 22	October 08, 2019	(1613210)
Item 23	December 02, 2019	(1612000)
Item 24	December 11, 2019	(1626376)
Item 25	January 13, 2020	(1634017)
Item 26	February 10, 2020	(1640636)
Item 27	April 09, 2020	(1653492)
Item 28	April 28, 2020	(1640257)
Item 29	May 04, 2020	(1597713)

Item 30	May 12, 2020	(1646363)
Item 31	May 18, 2020	(1660078)
Item 32	June 09, 2020	(1666583)
Item 33	July 14, 2020	(1640012)
Item 34	July 31, 2020	(1651359)
Item 35	August 07, 2020	(1680315)
Item 36	August 25, 2020	(1624754)
Item 37	October 12, 2020	(1693230)
Item 38	November 13, 2020	(1686496)
Item 39	November 30, 2020	(1692122)
Item 40	December 10, 2020	(1757144)
Item 41	January 08, 2021	(1686259)
Item 42	January 12, 2021	(1712385)
Item 43	February 05, 2021	(1725438)
Item 44	February 25, 2021	(1696929)
Item 45	March 11, 2021	(1699415)
Item 46	March 12, 2021	(1725439)
Item 47	April 13, 2021	(1725440)
Item 48	May 14, 2021	(1740030)
Item 49	May 28, 2021	(1711364)
Item 50	June 10, 2021	(1723572)
Item 51	June 11, 2021	(1740031)
Item 52	July 01, 2021	(1735657)
Item 53	July 19, 2021	(1751680)
Item 54	August 02, 2021	(1747394)
Item 55	August 20, 2021	(1745863)
Item 56	August 30, 2021	(1685590)
Item 57	September 01, 2021	(1702300)
Item 58	September 14, 2021	(1690450)
Item 59	September 17, 2021	(1766224)
Item 60	September 23, 2021	(1684041)
Item 61	September 27, 2021	(1692237)
Item 62	October 12, 2021	(1776627)
Item 63	October 31, 2021	(1763655)
Item 64	November 11, 2021	(1783596)
Item 65	December 10, 2021	(1790620)
Item 66	December 14, 2021	(1771237)
Item 67	December 15, 2021	(1781391)
Item 68	January 20, 2022	(1798415)
Item 69	February 16, 2022	(1806290)
Item 70	March 17, 2022	(1813355)
Item 71	May 11, 2022	(1828767)
Item 72	June 20, 2022	(1835057)
Item 73	June 23, 2022	(1707999)
Item 74	August 07, 2022	(1834230)

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.

- Date: 08/31/2021 (1703773)

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)
FOP, Special Term and Condition 7 OP
NSR, Special Condition 1 PERMIT

Description: Failure to prevent exceedance of the Maximum Allowable Emissions Rates (MAER) for Boiler 2 (EPN: BLR2). (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)
FOP, Special Term and Condition 7 OP

NSR, Special Condition 21.D PERMIT
 Description: Failure to conduct quarterly cylinder gas audit on Boiler 1 (EPN: BLR1). (Category B1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.340(a)
 30 TAC Chapter 117, SubChapter B 117.340(b)(1)
 30 TAC Chapter 117, SubChapter B 117.340(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 7 OP
 NSR, Special Condition 21 PERMIT
 Description: Failure to maintain the continuous emissions monitoring systems and totalizing fuel flow meters. (Category B1.)

2 Date: 03/31/2022 (1819927)
 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

3 Date: 04/27/2022 (1762508)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition (SC) 5A PERMIT
 Special Terms and Conditions 1A and 14 OP
 Description: Failure to maintain Flare Stack (EPN: P4FLARE) above the required minimum heating value. (Category C4)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10A PERMIT
 Special Terms and Conditions 1A and 14 OP
 Description: Failure to maintain P3-POLY flare (EPN: FLARE) above the required minimum heating value. (Category C4)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to collect samples when the HRVOC monitor for cooling tower (EPN: P4CWT) was out-of-order for greater than 24 hours. (Category B1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 12 OP
 Description: Failure to prevent exceedance of the differential pressure for TM-508 fabric filter. (Category B19(g)(1))

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9 PERMIT
 Special Term and Condition 14 OP
 Description: Failure to maintain records of inspections for visible emissions. (Category B3)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart VV 60.482-9
 5C THSC Chapter 382 382.085(b)
 Special Condition 7(I) PERMIT
 Special Terms and Conditions 1A and 14 OP
 Description: Failure to repair equipment before the end of the next process unit shutdown. (Category B17)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart VV 60.482-9
 5C THSC Chapter 382 382.085(b)
 Special Condition 7(I) PERMIT
 Special Terms and Conditions 1A and 14 OP
 Description: Failure to repair equipment before the end of the next process unit shutdown. (Category B17)

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 14C PERMIT
Special Term and Condition 14 OP

Description: Failure to conduct sample testing for Pellet Dryer (EPN: PELETDRYER) according to approved methods. (Category B18g1)

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 44 PERMIT
Special Term and Condition 14 OP

Description: Failure to conduct sample testing for PP4 Dryer Vents (EPN: PP4DRV) according to approved methods. (Category B18g1)

4 Date: 08/11/2022 (1796550)

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 7 OP

Description: Failure to prevent exceedance of the maximum allowable emissions rate for Boiler 2 (EPN: BLR2) (Category B12).

F. Environmental audits:

Notice of Intent Date: 06/19/2017 (1422926)

Disclosure Date: 10/25/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121
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)

Rqmt Prov: PERMIT General Conditions No. 1
PERMIT General Conditions No. 14
PERMIT General Conditions No. 8
PERMIT Special Conditions No. 1
OP Special Terms and Conditions No. 1.A.
OP Special Terms and Conditions No. 9

Description: Failed to limit VOC and NRVOc emissions to the rates established in the NSR permit. Specifically, unauthorized VOC and HRVOC occurred due to excess off-gas from polypropylene product at EPN PELETDRYER. Emissions are estimated from the audit at 9.61 lb/hr and 13.21 tons/year.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Conditions No.
PERMIT Special Conditions No. 44

Description: Failed to sample immediately before the final loading of product. Specifically, the current sampling location for PP4 headspace testing is at the pellet classifier close to the loading, but during the audit it was determined that a better location is the blending area, which is closer to loading. EPN PP4DRV.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2445
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.5
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9

Description: Failed to identify applicability of, and comply with NESHAPS for Miscellaneous Organic Chemical Manufacturing at Polypropylene No. 3 and No. 4 Units. Audit discovered hexane, at trace quantities, is generated in connection with the process.

Notice of Intent Date: 04/23/2021 (1711955)

Disclosure Date: 09/21/2021

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Failed to maintain an up-to-date list of aqueous wastes containing benzene.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failed to meet inspection requirements for some containers containing non-aqueous benzene waste.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(c)

Description: Failed to meet monitoring requirements for some containers containing non-aqueous benzene waste.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)

Description: Failed to monitor all components associated with Individual Drain System Waste Management Units for No Detectable Emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(g)

Description: Failed to meet monitoring requirements for some components of the closed vent system routing organic vapors to a control device.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)

Description: Failed to maintain on file design documentation for boilers used as a control device for organic vapors.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(5)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(2)
40 CFR Part 61, Subpart FF 61.356(f)(3)

Description: Failed to establish an acceptable continuous operating parameter to demonstrate that the boiler achieves the appropriate conditions for proper operation for boilers used as a control device for organic vapors.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0473-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 approximately two miles south of the Farm-to-Market Road 2917 and Farm-to-Market Road 2004 intersection in Brazoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$46,468 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$18,588 of the penalty and \$9,293 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, \$18,587 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by December 14, 2020, the Respondent provided the reason for the maintenance activity for Incident No. 342047.

II. ALLEGATIONS

1. During a record review for the Plant conducted on December 1, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 95 and PSDTX854M2, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O2327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 60,436.66 pounds ("lbs") of volatile organic compounds ("VOC"), 79,128.27 lbs of carbon monoxide ("CO"), and 15,554.09 lbs of nitrogen oxides ("NOx") from the No. 2 Olefins Flare, Emissions Point Number ("EPN") DDM-3101, during an emissions event (Incident No. 342047) that began on September 11, 2020 and lasted 57 hours. The emission event occurred due to a collapsed strainer on Ethylene Compressor C501, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded for asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - b. Failed to identify the required information on the final record for a scheduled maintenance, startup, or shutdown activity, in violation of 30 TEX. ADMIN. CODE §§ 101.211(b)(1) and 122.143(4), FOP No. O2327, GTC and STC No. 2.G, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not include

the reason for the maintenance activity on the final record for Incident No. 342047.

2. During a record review for the Plant conducted from December 9, 2020 through December 23, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 30,131.42 lbs of VOC, 28,921.39 lbs of CO, and 5,682.88 lbs of NOx from the No. 2 Olefins Flare, EPN DDM-3101, during an emissions event (Incident No. 346644) that began on November 25, 2020 and lasted 16 hours. The emissions event occurred when the level transmitter on the level controller on the drum did not read the level correctly that caused the incorrect level reading to not alarm on high level, resulting in the compressor to trip and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. During a record review for the Plant conducted from December 10, 2020 through December 23, 2020 an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 12,107.34 lbs of VOC, 19,765.92 lbs of CO, and 3,891.90 lbs of NOx from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 346735) that began on November 30, 2020 and lasted 29 hours. The emissions event occurred due to a fuel gas compressor trip that caused the unexpected loss of two steam Cogeneration Units, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During a record review for the Plant conducted from June 30, 2021 through July 13, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 95 and PSDTX854M2, SC No. 2, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 23,021.62 lbs of VOC, 32,042.74 lbs of CO, and 6,304.72 lbs of NOx from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 326641) that began on December 15, 2019 and lasted 35 hours. The emissions event occurred due to a temporary loss of power that caused the control valves to switch to their fail position and the Acetylene Reactor to trip, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 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. 2021-0473-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 SEP as set forth in Section I, Paragraph No. 4. The amount of \$18,587 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342047;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346644;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346735; and
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 326641.
 - 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

For the Commission

Date



For the Executive Director

5/2/2023


Date

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

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

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



Signature

3/3/23

Date

CATHY CULPEPPER

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

SITE DIRECTOR

Title

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: 2021-0473-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS USA LLC
Payable Penalty Amount:	\$37,175
SEP Offset Amount:	\$18,587
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas City Independent School District
Project Name:	<i>TCISD Alternative Fuel School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 216: Houston-Galveston

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 **Texas City Independent School District** for the *TCISD Alternative Fuel School Bus Program* 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 purchase lower-emission propane fueled school buses that are model year 2010 or newer (“Replacement Bus(es)”) to replace buses currently in the fleet that are model year 2006 or older (“Older Bus(es)”). The Older Buses will then be decommissioned, thus permanently removing them from the roads. The SEP Offset Amount shall only be used for the purchase of a base model propane fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase.

The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses within its fleet. Only Older Buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement.

The Third-Party Administrator shall ensure that each Replacement Bus purchased has an engine that meets the Environmental Protection Agency’s 2010 emissions standards. Additionally, all Older Buses that are replaced shall be fully decommissioned as required in the SEP Vehicle Disposition Form. All funds received for the scrap value of the Older Bus shall be deposited into the SEP Account and become part of the SEP. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

The Project will directly benefit air quality in Third-Party Administrator's region by reducing harmful exhaust emissions from older school buses by replacing them with lower-emission propane buses. Older school bus engines emit greater amounts of harmful pollutants such as nitrous oxides, particulate matter, volatile organic compounds, and carbon monoxide than newer, lower-emission buses. These pollutants contribute to the formation of ground level ozone which damages vegetation and ecosystems and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children.

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 **Texas City Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas City Independent School District SEP
Attention: John Johnson, Consultant
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement 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.