

**Executive Summary – Enforcement Matter – Case No. 61237**  
**INEOS Styrolution America LLC**  
**RN104579487**  
**Docket No. 2021-1127-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Texas City Chemical Plant, 2800 Farm-to-Market Road 519 East, Texas City, Galveston County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 7, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$38,125

**Amount Deferred for Expedited Settlement:** \$7,625

**Total Paid to General Revenue:** \$30,500

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** July 23, 2021, April 16, 2021 through April 30, 2021, and September 15, 2022 through September 19, 2022

**Date(s) of NOE(s):** August 9, 2021, October 14, 2021, and November 21, 2021

**Executive Summary – Enforcement Matter – Case No. 61237**  
**INEOS Styrolution America LLC**  
**RN104579487**  
**Docket No. 2021-1127-AIR-E**

***Violation Information***

1. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 287881 was due by June 30, 2018 at 12:32 p.m., but was not submitted until July 9, 2018 at 5:25 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O2849, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 138 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 287881) that began on June 29, 2018 and lasted 183 hours and 38 minutes. The emissions event occurred due high oxygen indication in the system during a unit upset causing the atmospheric vent valve to be left open and pump problems causing the vent gas recovery column to shut down, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions 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 §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 8978 and PSDTX459M3, Special Conditions ("SC") No. 1, FOP No. O2849, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 44.34 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 353727) that occurred on April 2, 2021 and lasted 45 minutes. The emissions event occurred due to freezing temperatures causing thermal contraction and expansion of the piping at a flange, resulting in the release to the atmosphere. 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 the emissions 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 §§ 116.115(c) and 122.143(4), NSR Permit No. 8978 and PSDTX459M3, SC No. 1, FOP No. O2849, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, from July 26, 2021 through August 11, 2021, the Respondent did not equip two open-ended lines with a cap, blind flange, plug, or second valve [30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), NSR Permit No. 8978

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and PSDTX459M3, SC No. 16.E, FOP No. O2849, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On July 9, 2018, submitted the initial notification for Incident No. 287881; and
- b. By July 8, 2021, modified the graphic screen to give the operator a better indication that a valve is open to the atmosphere, updated the alarm to alert the operator, trained the operators on the modified system, and changed the vent valve logic to automatically close after the oxygen in the vent gas reaches an acceptable level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 287881.

**Technical Requirements:**

The Order will 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. 353727; and
  - ii. Equip two open-ended lines with a cap, blind flange, plug, or a second valve.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Robert Osterhold, Site Director, INEOS Styrolution America LLC, P.O. Box 3029, Texas City, Texas 77592-3029

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	16-Aug-2021			
	<b>PCW</b>	30-Jan-2023	<b>Screening</b>	25-Aug-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	INEOS Styrolution America LLC
<b>Reg. Ent. Ref. No.</b>	RN104579487
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61237	<b>No. of Violations</b>	4
<b>Docket No.</b>	2021-1127-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>	Mackenzie Mehlmann
		<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>	\$27,500
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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.

<b>Compliance History</b>	50.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$13,750
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Notes: Enhancement for two NOVs with same/similar violations and two orders containing 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>	-\$3,125
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$4,253  
 Estimated Cost of Compliance: \$30,250  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$38,125
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$38,125
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$38,125
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$7,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$30,500
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Screening Date 25-Aug-2021

Docket No. 2021-1127-AIR-E

PCW

Respondent INEOS Styrolution America LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61237

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104579487

Media Air

Enf. Coordinator Mackenzie Mehlmann

### 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 50%

#### >> 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 and two orders containing a denial of liability.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 50%

**Screening Date** 25-Aug-2021  
**Respondent** INEOS Styrolution America LLC  
**Case ID No.** 61237  
**Reg. Ent. Reference No.** RN104579487  
**Media** Air  
**Enf. Coordinator** Mackenzie Mehlmann

**Docket No.** 2021-1127-AIR-E

**PCW**

*Policy Revision 5 (January 28, 2021)  
 PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O2849, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 287881 was due by June 30, 2018 at 12:32 p.m., but was not submitted until July 9, 2018 at 5:25 p.m.

**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			20.0%

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

**Adjustment** \$20,000

\$5,000

**Violation Events**

Number of Violation Events 1      9 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$5,000

One single event is recommended.

**Good Faith Efforts to Comply**

25.0%

Reduction \$1,250

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

**Notes** The Respondent completed the corrective measures on July 9, 2018, prior to the Notice of Enforcement ("NOE") dated August 9, 2021.

**Violation Subtotal** \$3,750

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

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$6,250

**This violation Final Assessed Penalty (adjusted for limits)** \$6,250

# Economic Benefit Worksheet

**Respondent** INEOS Styrolution America LLC  
**Case ID No.** 61237  
**Reg. Ent. Reference No.** RN104579487  
**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)	\$250	30-Jun-2018	9-Jul-2018	0.02	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to submit the initial notification for Incident No. 287881. The Date Required is the date the initial notification 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 \$250

**TOTAL** \$0

**Screening Date** 25-Aug-2021 **Docket No.** 2021-1127-AIR-E **PCW**  
**Respondent** INEOS Styrolution America LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61237 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN104579487  
**Media** Air  
**Enf. Coordinator** Mackenzie Mehlmann

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 8978 and PSDTX459M3, Special Conditions ("SC") No. 1, FOP No. O2849, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 138 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 287881) that began on June 29, 2018 and lasted 183 hours and 38 minutes. The emissions event occurred due high oxygen indication in the system during a unit upset causing the atmospheric vent valve to be left open and pump problems causing the vent gas recovery column to shut down, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions 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**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
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** \$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	x	
N/A		

Notes: The Respondent completed the corrective measures by July 8, 2021, prior to the NOE dated August 9, 2021.

**Violation Subtotal** \$5,625

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

**Estimated EB Amount** \$1,514 **Violation Final Penalty Total** \$9,375

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



# Economic Benefit Worksheet

**Respondent** INEOS Styrolution America LLC  
**Case ID No.** 61237  
**Reg. Ent. Reference No.** RN104579487  
**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	29-Jun-2018	8-Jul-2021	3.03	\$1,514	n/a	\$1,514

**Notes for DELAYED costs**

Estimated cost to modify the graphic screen to give the operator a better indication that a valve is open to the atmosphere, update the alarm to alert the operator, train the operators on the modified system, and change the vent valve logic to automatically close after the oxygen in the vent gas reaches an acceptable level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 287881. The Date Required is the date the emissions event began 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** \$1,514

**Screening Date** 25-Aug-2021 **Docket No.** 2021-1127-AIR-E **PCW**  
**Respondent** INEOS Styrolution America LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61237 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN104579487  
**Media** Air  
**Enf. Coordinator** Mackenzie Mehlmann

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 8978 and PSDTX459M3, SC No. 1, FOP No. O2849, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 44.34 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 353727) that occurred on April 2, 2021 and lasted 45 minutes. The emissions event occurred due to freezing temperatures causing thermal contraction and expansion of the piping at a flange, resulting in the release to the atmosphere. 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 the emissions 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**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="30.0%"/>
	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"/>	<input type="text" value="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**

**Violation Events**

Number of Violation Events   Number of violation days  

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

**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"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

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

**Violation Subtotal**

Economic Benefit (EB) for this violation	Statutory Limit Test
<b>Estimated EB Amount</b> <input type="text" value="\$1,699"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$11,250"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$11,250"/>	

## Economic Benefit Worksheet

**Respondent** INEOS Styrolution America LLC  
**Case ID No.** 61237  
**Reg. Ent. Reference No.** RN104579487  
**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	2-Apr-2021	24-Aug-2024	3.40	\$1,699	n/a	\$1,699

**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. 353727. The Date Required is the date the emissions event occurred and the 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**

\$1,699

**Screening Date** 25-Aug-2021 **Docket No.** 2021-1127-AIR-E **PCW**  
**Respondent** INEOS Styrolution America LLC *Policy Revision 5 (January 28, 2021)*  
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**Reg. Ent. Reference No.** RN104579487  
**Media** Air  
**Enf. Coordinator** Mackenzie Mehlmann

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(1), (2), and (3), 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), NSR Permit No. 8978 and PSDTX459M3, SC No. 16.E, FOP No. O2849, GTC and STC No. 18, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, from July 26, 2021 through August 11, 2021, the Respondent did not equip two open-ended lines with a cap, blind flange, plug, or second valve.

**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 that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 16 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** \$1,040 **Violation Final Penalty Total** \$11,250

**This violation Final Assessed Penalty (adjusted for limits)** \$11,250

## Economic Benefit Worksheet

**Respondent** INEOS Styrolution America LLC  
**Case ID No.** 61237  
**Reg. Ent. Reference No.** RN104579487  
**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	26-Jul-2021	24-Aug-2023	2.08	\$1,040	n/a	\$1,040

**Notes for DELAYED costs**

Estimated cost to equip two open-ended lines with a cap, blind flange, plug, or a second valve. The Date Required is the first date of non-compliance and the 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**

\$1,040

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN603252479, RN104579487, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN603252479, INEOS Styrolution America LLC **Classification:** SATISFACTORY **Rating:** 11.35  
**Regulated Entity:** RN104579487, Texas City Chemical Plant **Classification:** SATISFACTORY **Rating:** 7.24  
**Complexity Points:** 17 **Repeat Violator:** NO  
**CH Group:** 05 - Chemical Manufacturing  
**Location:** 2800 Farm-to-Market Road 519 East, Texas City, Galveston County, Texas 77592-0401  
**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

<b>AIR OPERATING PERMITS</b> PERMIT 2849	<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER GBA007G
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4816700148	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX459M3
<b>AIR NEW SOURCE PERMITS</b> PERMIT 8978	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 92314
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX1592	<b>AIR NEW SOURCE PERMITS</b> PERMIT 163234
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT GHGSPDXTX206	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT GHGSPDXTX175
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX1528	<b>AIR NEW SOURCE PERMITS</b> PERMIT 148643
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168480	<b>STORMWATER</b> PERMIT TXR15828H
<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER GBA007G	<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P07135
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 87677	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXR000063255
<b>TAX RELIEF</b> ID NUMBER 22295	<b>TAX RELIEF</b> ID NUMBER 22296

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** December 20, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 20, 2017 to December 20, 2022

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

**Name:** Mackenzie Mehlmann

**Phone:** (512) 239-2572

## 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: 10/01/2019 ADMINORDER 2018-1138-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: NSR 8978 PERMIT  
O-02849 OP  
Description: Failed to comply with the loading limit and MAER.

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

Rqmt Prov: Special Condition (SC) 1 PERMIT

Description: Failure to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 8978 and PSDTX459M3, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O2849, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 22, and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the Respondent released 959.33 pounds of benzene from the Styrene No. 2 Cooling Tower, Emissions Point Number (

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O2849, GTC and STC No. 2.F PERMIT

Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE §§101.201(a)(1)(B) and 122.143(4), FOP No. O2849, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the initial notification for Incident No. 248427 was due by December 8, 2016 at 12:00 p.m., but was not submitted until December 9, 2016 at 11:07 a.m.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 06, 2019	(1533110)
Item 2	November 20, 2019	(1605930)
Item 3	December 12, 2019	(1610204)
Item 4	January 24, 2020	(1624350)
Item 5	February 18, 2020	(1618826)
Item 6	June 21, 2021	(1725046)

**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: 05/09/2022 (1803175)	
	Self Report? NO	Classification: Moderate
	Citation: 2849 OP 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) 8978 PERMIT	
	Description: Failure to comply with carbon monoxide (CO) pounds per hour (lbs/hr) emission limitation during maintenance, start-up and shutdown (MSS). (Category B13)	
	Self Report? NO	Classification: Moderate
	Citation: 2849 OP 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) 8978 PERMIT	
	Description: Failure to comply with carbon monoxide (CO) pounds per hour (lbs/hr) emissions limitation during normal operations. (Category B13).	
	Self Report? NO	Classification: Moderate
	Citation: 2849 OP 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) 8978 PERMIT	
	Description: Failure to comply with nitrogen oxide (NOx) pounds per hour (lbs/hr) emission limitation during normal operations. (Category B13)	
	Self Report? NO	Classification: Minor
	Citation: 2849 OP	

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)  
8978 PERMIT

Description: Failure to prevent open-ended-lines (OELs) in volatile organic compound (VOC) service. (Category C10)

Self Report? NO Classification: Minor

Citation: 2849 OP  
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)  
8978 PERMIT

Description: Failure to comply with tons per year (TPY) emission limitation for volatile organic compounds (VOC). (Category B13)

2 Date: 11/15/2022 (1847575)

Self Report? NO Classification: Major

Citation: 2849 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540(a)(10)  
5C THSC Chapter 382 382.085(b)  
8978 PERMIT

Description: Failure to conduct annual tune-ups for Hot Oil Heater (Emissions Point Number (EPN): F-252). (Category B1)

Self Report? NO Classification: Major

Citation: 2849 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540(a)(10)  
5C THSC Chapter 382 382.085(b)  
8978 PERMIT

Description: Failure to conduct annual tune-ups for Steam Superheater (Emissions Point Number (EPN): F-251). (Category B1)

Self Report? NO Classification: Major

Citation: 2849 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7550(b)(4)  
5C THSC Chapter 382 382.085(b)  
8978 PERMIT

Description: Failure to submit annual 40 CFR Part 63 Subpart DDDDD compliance reports. (Category B3)

Self Report? NO Classification: Moderate

Citation: 2849 OP  
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)  
8978 PERMIT

Description: Failure to maintain Tank MF-318B (Emissions Point Number (EPN): ST-257) below 75 degrees Fahrenheit (F). (Category B17)

Self Report? NO Classification: Minor

Citation: 2849 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7550(b)(4)  
5C THSC Chapter 382 382.085(b)  
8978 PERMIT

Description: Failure to submit annual 40 CFR Part 63 Subpart DDDDD compliance report within the required timeframe. (Category C3)

Self Report? NO Classification: Moderate

Citation: 2849 OP  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failure to report a deviation. (Category B3)

## F. Environmental audits:

N/A



**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
INEOS STYROLUTION AMERICA LLC  
RN104579487

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1127-AIR-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 2800 Farm-to-Market Road 519 East in Texas City, Galveston 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 \$38,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$30,500 of the penalty and \$7,625 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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. On July 9, 2018, submitted the initial notification for Incident No. 287881.
  - b. By July 8, 2021, modified the graphic screen to give the operator a better indication that a valve is open to the atmosphere, updated the alarm to alert the operator, trained the operators on the modified system, and changed the vent valve logic to automatically close after the oxygen in the vent gas reaches an acceptable level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 287881.

## II. ALLEGATIONS

1. During a record review for the Plant conducted on July 23, 2021, an investigator documented that the Respondent:
  - a. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O2849, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 287881 was due by June 30, 2018 at 12:32 p.m., but was not submitted until July 9, 2018 at 5:25 p.m.
  - b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 8978 and PSDTX459M3, Special Conditions ("SC") No. 1, FOP No. O2849, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 138 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 287881) that began on June 29, 2018 and lasted 183 hours and 38 minutes. The emissions event occurred due high oxygen indication in the system during a unit upset causing the atmospheric vent valve to be left open and pump problems causing the vent gas recovery column to shut down, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting

requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions 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.

2. During a record review for the Plant conducted from April 16, 2021 through April 30, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 8978 and PSDTX459M3, SC No. 1, FOP No. O2849, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 44.34 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 353727) that occurred on April 2, 2021 and lasted 45 minutes. The emissions event occurred due to freezing temperatures causing thermal contraction and expansion of the piping at a flange, resulting in the release to the atmosphere. 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 the emissions 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 September 15, 2022 through September 19, 2022, an investigator documented that the Respondent failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), NSR Permit No. 8978 and PSDTX459M3, SC No. 16.E, FOP No. O2849, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, from July 26, 2021 through August 11, 2021, the Respondent did not equip two open-ended lines with a cap, blind flange, plug, or second valve.

### 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 Styrolution America LLC, Docket No. 2021-1127-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 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. 353727; and
    - ii. Equip two open-ended lines with a cap, blind flange, plug, or a second valve.
  - 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. 2.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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

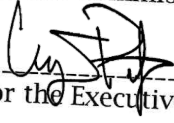
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



Date

For the Executive Director

5/15/2023

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

ROBERT OSTERHARD

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

Date

2/8/23

Title

TEXAS CITY SITE DIRECTOR

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.