

Executive Summary – Enforcement Matter – Case No. 61371
INEOS OLIGOMERS USA LLC
RN108783614
Docket No. 2021-1267-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ineos Oligomers Chocolate Bayou, 15916 Farm-to-Market Road 2004, Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2024-0499-AIR-E, 2024-0445-AIR-E, and 2022-0103-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 14, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,426

Amount Deferred for Expedited Settlement: \$10,885

Total Paid to General Revenue: \$43,541

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

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: June 30, 2021 through July 15, 2021, July 14, 2021 through August 26, 2021, September 9, 2021 through September 22, 2021, September 3, 2021 through September 10, 2021, August 9, 2021 through August 23, 2021, September 8, 2021 through September 22, 2021, and October 4, 2021 through October 15, 2021

Date(s) of NOE(s): August 26, 2021, August 31, 2021, October 5, 2021, October 6, 2021, October 20, 2021, and November 3, 2021

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Docket No. 2021-1267-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,723.46 pounds ("lbs") of volatile organic compounds ("VOC"), 879.03 lbs of carbon monoxide ("CO"), and 206.01 lbs of nitrogen oxides ("NOx") from the Elevated Flare, Emissions Point Number ("EPN") FLR-1, during an emissions event (Incident No. 360425) that began on June 16, 2021 and lasted 22 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 136130 and N250, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O4123, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,137.30 lbs of VOC, 815.09 lbs of CO, and 196.20 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 361181) that began on June 24, 2021 and lasted 25 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. 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. 361181 was due by June 25, 2021 at 6:00 p.m., but was not submitted until June 30, 2021 at 4:36 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O4123, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 361181 was due by July 9, 2021, but was not submitted until July 14, 2021 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O4123, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 909.26 lbs of VOC, 775.27 lbs of CO, and 198.88 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365712) that began on August 27, 2021 and lasted 80 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 530.39 lbs of VOC from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365326) that occurred on August 20, 2021 and lasted 11 hours and 44 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 726.47 lbs of VOC, 429.18 lbs of CO, and 102.21 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 363600) that began on July 26, 2021 and lasted 11 hours and five minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 228.24 lbs of VOC, 208.67 lbs of CO, and 51.20 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365574) that occurred on August 24, 2021 and lasted 12 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,767.33 lbs of VOC, 529.66 lbs of CO, and 131.79 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 366833) that began on September 19, 2021 and lasted 27 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On June 30, 2021, submitted the initial notification for Incident No. 361181;
- b. On July 14, 2021, submitted the final record for Incident No. 361181;
- c. By July 15, 2021, installed a filter screen to prevent solids from clogging the C7126 bottoms level control valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360425; and
- d. By September 22, 2021, installed a cover over the emergency shutdown button on the Hot Oil Heater in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365574.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

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Docket No. 2021-1267-AIR-E

- i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 361181;
 - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365712;
 - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365326;
 - iv. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363600; and
 - v. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366833.
- 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: Jeffrey Wolf, Asset Manager, INEOS OLIGOMERS USA LLC, P.O. Box 2450, Alvin, Texas 77512-2450

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	30-Aug-2021		
	PCW	6-Apr-2024	Screening	31-Aug-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	INEOS OLIGOMERS USA LLC			
Reg. Ent. Ref. No.	RN108783614			
Facility/Site Region	12-Houston	Major/Minor Source	Major	

CASE INFORMATION				
Enf./Case ID No.	61371	No. of Violations	9	
Docket No.	2021-1267-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann	
		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	\$53,000
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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	10.0%	Adjustment	Subtotals 2, 3, & 7	\$5,300
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Notes

Enhancement for one NOV with same/similar violations and one order containing a denial of liability. Reduction for three notices of intent to conduct an audit, one disclosure of violations, and High Performer classification.

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	-\$3,874
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$8,169
Estimated Cost of Compliance \$70,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$54,426
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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	\$54,426
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$54,426
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DEFERRAL	20.0%	Reduction	Adjustment	-\$10,885
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$43,541
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Screening Date 31-Aug-2021

Docket No. 2021-1267-AIR-E

PCW

Respondent INEOS OLIGOMERS USA LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61371

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN108783614

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>)	1	5%
	Other written NOVs	0	0%
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>)	3	-3%
	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>)	1	-2%
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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and one order containing a denial of liability. Reduction for three notices of intent to conduct an audit, one disclosure of violations, and High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date	31-Aug-2021	Docket No.	2021-1267-AIR-E	PCW
Respondent	INEOS OLIGOMERS USA LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61371			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108783614			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 136130 and N250, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 04123, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,723.46 pounds ("lbs") of volatile organic compounds ("VOC"), 879.03 lbs of carbon monoxide ("CO"), and 206.01 lbs of nitrogen oxides ("NOx") from the Elevated Flare, Emissions Point Number ("EPN") FLR-1, during an emissions event (Incident No. 360425) that began on June 16, 2021 and lasted 22 hours.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
Potential				
Percent				30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment				\$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		25.0%	Reduction	\$1,875
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary	x			
N/A				
Notes	The Respondent completed the corrective measures by July 15, 2021, prior to the Notice of Enforcement ("NOE") dated August 26, 2021.			
Violation Subtotal				\$5,625
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$40	Violation Final Penalty Total	\$6,375	
This violation Final Assessed Penalty (adjusted for limits)				\$6,375

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. INEOS OLIGOMERS USA LLC 61371 RN108783614 Air 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	16-Jun-2021	15-Jul-2021	0.08	\$40	n/a	\$40

Notes for DELAYED costs

Estimated cost to install a filter screen to prevent solids from clogging the C7126 bottoms level control valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360425. 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	\$40
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Screening Date	31-Aug-2021	Docket No.	2021-1267-AIR-E	PCW
Respondent	INEOS OLIGOMERS USA LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61371			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108783614			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,137.30 lbs of VOC, 815.09 lbs of CO, and 196.20 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 361181) that began on June 24, 2021 and lasted 25 hours.			
	Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			
	Percent	30.0%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	Adjustment	\$17,500		
		\$7,500		
Violation Events				
	Number of Violation Events	1	2	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	\$1,684	Violation Final Penalty Total	\$8,250
	This violation Final Assessed Penalty (adjusted for limits)			\$8,250

Economic Benefit Worksheet

Respondent INEOS OLIGOMERS USA LLC
Case ID No. 61371
Reg. Ent. Reference No. RN108783614
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	24-Jun-2021	4-Nov-2024	3.37	\$1,684	n/a	\$1,684
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 361181. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.						

Avoided CostsANNUALIZE 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	\$1,684
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Screening Date 31-Aug-2021		Docket No. 2021-1267-AIR-E		PCW																	
Respondent INEOS OLIGOMERS USA LLC		Policy Revision 5 (January 28, 2021)																			
Case ID No. 61371		PCW Revision February 11, 2021																			
Reg. Ent. Reference No. RN108783614																					
Media Air																					
Enf. Coordinator Mackenzie Mehlmann																					
Violation Number	3																				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. 04123, GTC and 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. 361181 was due by June 25, 2021 at 6:00 p.m., but was not submitted until June 30, 2021 at 4:36 p.m.																				
Base Penalty				\$25,000																	
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1"> <tr> <td></td> <td colspan="3">Harm</td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent	0.0%
		Harm																			
	Release	Major	Moderate	Minor																	
Actual																					
Potential																					
>> Programmatic Matrix																					
Matrix Notes	<table border="1"> <tr> <td></td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Falsification</td> <td></td> <td></td> <td>x</td> </tr> </table>				Major	Moderate	Minor	Falsification			x	Percent	1.0%								
		Major	Moderate	Minor																	
	Falsification			x																	
Less than 30% of the rule requirements were not met.																					
Adjustment				\$24,750																	
				\$250																	
Violation Events																					
Number of Violation Events		1	5	Number of violation days																	
<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td>x</td></tr> </table>		daily		weekly		monthly		quarterly		semiannual		annual		single event	x				Violation Base Penalty	\$250	
daily																					
weekly																					
monthly																					
quarterly																					
semiannual																					
annual																					
single event	x																				
One single event is recommended.																					
Good Faith Efforts to Comply		25.0%		Reduction	\$62																
		<table border="1"> <tr> <td></td> <td>Before NOE/NOV</td> <td>NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td>x</td> <td></td> </tr> <tr> <td>N/A</td> <td></td> <td></td> </tr> </table>			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	x		N/A								
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																			
Extraordinary																					
Ordinary	x																				
N/A																					
Notes		The Respondent completed the corrective measures on June 30, 2021, prior to the NOE dated August 31, 2021.																			
Violation Subtotal				\$188																	
Economic Benefit (EB) for this violation			Statutory Limit Test																		
Estimated EB Amount		\$0		Violation Final Penalty Total																	
				\$213																	
This violation Final Assessed Penalty (adjusted for limits)				\$213																	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. INEOS OLIGOMERS USA LLC 61371 RN108783614 Air 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	25-Jun-2021	30-Jun-2021	0.01	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to submit the initial notification for Incident No. 361181. The Date Required is the date the initial notification was due and the Final Date is the date the initial notification was submitted.						

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
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Screening Date	31-Aug-2021	Docket No.	2021-1267-AIR-E	PCW
Respondent	INEOS OLIGOMERS USA LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61371			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108783614			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), FOP No. 04123, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 361181 was due by July 9, 2021, but was not submitted until July 14, 2021.			
	Base Penalty	\$25,000		

>> Environmental, Property and Human Health Matrix

OR

		Release		Harm	
			Major	Moderate	Minor
	Actual				
	Potential				

Percent 0.0%

>> Programmatic Matrix

			Falsification	Major	Moderate	Minor
						x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

5

Number of violation days

	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent completed the corrective measures on July 14, 2021, prior to the NOE dated August 31, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$213

This violation Final Assessed Penalty (adjusted for limits) \$213

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. INEOS OLIGOMERS USA LLC 61371 RN108783614 Air 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	9-Jul-2021	14-Jul-2021	0.01	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to submit the final record for Incident No. 361181. The Date Required is the date the final record was due and the Final Date is the date the final record was submitted.						

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
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Screening Date	31-Aug-2021	Docket No.	2021-1267-AIR-E	PCW																				
Respondent	INEOS OLIGOMERS USA LLC		<i>Policy Revision 5 (January 28, 2021)</i>																					
Case ID No.	61371	<i>PCW Revision February 11, 2021</i>																						
Reg. Ent. Reference No.	RN108783614																							
Media	Air																							
Enf. Coordinator	Mackenzie Mehlmann																							
Violation Number	5																							
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)																							
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 909.26 lbs of VOC, 775.27 lbs of CO, and 198.88 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365712) that began on August 27, 2021 and lasted 80 hours.																							
Base Penalty				\$25,000																				
>> Environmental, Property and Human Health Matrix																								
OR	Release	<table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Harm</th> </tr> <tr> <th></th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td>x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Harm			Major	Moderate	Minor	Actual				x	Potential					Percent	30.0%
			Harm																					
		Major	Moderate	Minor																				
Actual				x																				
Potential																								
>> Programmatic Matrix																								
Matrix Notes	Falsification	Major	Moderate	Minor	Percent	0.0%																		
	<table border="1"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>																							
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	4	Number of violation days																				
	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event					Violation Base Penalty	\$7,500				
daily																								
weekly																								
monthly	x																							
quarterly																								
semiannual																								
annual																								
single event																								
One monthly event is recommended.																								
Good Faith Efforts to Comply		0.0%		Reduction	\$0																			
	<table border="1"> <thead> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>x</td> <td></td> </tr> </tbody> </table>		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x												
	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		\$1,596	Violation Final Penalty Total		\$8,250																			
This violation Final Assessed Penalty (adjusted for limits)				\$8,250																				

Economic Benefit Worksheet

Respondent INEOS OLIGOMERS USA LLC
Case ID No. 61371
Reg. Ent. Reference No. RN108783614
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	27-Aug-2021	4-Nov-2024	3.19	\$1,596	n/a	\$1,596
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365712. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.						

Avoided CostsANNUALIZE 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	\$1,596
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Screening Date 31-Aug-2021		Docket No. 2021-1267-AIR-E		PCW	
Respondent INEOS OLIGOMERS USA LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61371		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN108783614					
Media Air					
Enf. Coordinator Mackenzie Mehlmann					
Violation Number 6					
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 530.39 lbs of VOC from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365326) that occurred on August 20, 2021 and lasted 11 hours and 44 minutes.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual			x	Percent 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	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		\$1,605		Violation Final Penalty Total \$8,250	
This violation Final Assessed Penalty (adjusted for limits)					\$8,250

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. INEOS OLIGOMERS USA LLC 61371 RN108783614 Air 6

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	20-Aug-2021	4-Nov-2024	3.21	\$1,605	n/a	\$1,605

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365326. 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	\$1,605
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Screening Date 31-Aug-2021		Docket No. 2021-1267-AIR-E		PCW	
Respondent INEOS OLIGOMERS USA LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61371		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN108783614					
Media Air					
Enf. Coordinator Mackenzie Mehlmann					
Violation Number 7					
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 726.47 lbs of VOC, 429.18 lbs of CO, and 102.21 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 363600) that began on July 26, 2021 and lasted 11 hours and five minutes.			
		Base Penalty		\$25,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual			x	Percent 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	Number of violation days		1
	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	\$1,640	Violation Final Penalty Total	\$8,250
This violation Final Assessed Penalty (adjusted for limits)		\$8,250	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. INEOS OLIGOMERS USA LLC 61371 RN108783614 Air 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	26-Jul-2021	4-Nov-2024	3.28	\$1,640	n/a	\$1,640

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363600. The Date Required is the date the emissions event began 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	\$1,640
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Screening Date 31-Aug-2021		Docket No. 2021-1267-AIR-E		PCW	
Respondent INEOS OLIGOMERS USA LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61371		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN108783614					
Media Air					
Enf. Coordinator Mackenzie Mehlmann					
Violation Number 8					
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. 04123, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 228.24 lbs of VOC, 208.67 lbs of CO, and 51.20 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365574) that occurred on August 24, 2021 and lasted 12 hours.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 30.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes		Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment		\$17,500	
				\$7,500	
Violation Events					
Number of Violation Events		1		Number of violation days	
		1			
		daily			
		weekly			
		monthly		x	
		quarterly			
		semiannual			
		annual			
		single event			
				Violation Base Penalty \$7,500	
One monthly event is recommended.					
Good Faith Efforts to Comply		25.0%		Reduction \$1,875	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer	
Extraordinary					
Ordinary		x			
N/A					
Notes		The Respondent completed the corrective measures by September 22, 2021, prior to the NOE dated October 20, 2021.			
		Violation Subtotal		\$5,625	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		\$40		Violation Final Penalty Total \$6,375	
		This violation Final Assessed Penalty (adjusted for limits)		\$6,375	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. INEOS OLIGOMERS USA LLC 61371 RN108783614 Air 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-Aug-2021	22-Sep-2021	0.08	\$40	n/a	\$40
Notes for DELAYED costs	Estimated cost to install a cover over the emergency shutdown button on the Hot Oil Heater in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365574. The Date Required is the date the emissions event occurred 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	\$40
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Screening Date 31-Aug-2021		Docket No. 2021-1267-AIR-E		PCW	
Respondent INEOS OLIGOMERS USA LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61371		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN108783614					
Media Air					
Enf. Coordinator Mackenzie Mehlmann					
Violation Number 9					
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,767.33 lbs of VOC, 529.66 lbs of CO, and 131.79 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 366833) that began on September 19, 2021 and lasted 27 hours.			
		Base Penalty		\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 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	2	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	\$1,564	Violation Final Penalty Total	\$8,250
This violation Final Assessed Penalty (adjusted for limits)		\$8,250	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. INEOS OLIGOMERS USA LLC 61371 RN108783614 Air 9

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	19-Sep-2021	4-Nov-2024	3.13	\$1,564	n/a	\$1,564

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366833. The Date Required is the date the emissions event began 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	\$1,564
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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 CN604935338, RN108783614, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN604935338, INEOS OLIGOMERS USA LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN108783614, INEOS OLIGOMERS CHOCOLATE BAYOU	Classification: HIGH	Rating: 0.00
Complexity Points:	20	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	15916 Farm-to-Market Road 2004, Alvin, Brazoria County, Texas		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
AIR OPERATING PERMITS PERMIT 4123		AIR NEW SOURCE PERMITS EPA PERMIT N250	
AIR NEW SOURCE PERMITS PERMIT 136130		AIR NEW SOURCE PERMITS EPA PERMIT N250M2	
AIR NEW SOURCE PERMITS EPA PERMIT N250M1		AIR NEW SOURCE PERMITS AFS NUM 4803900782	
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BLA061I		POLLUTION PREVENTION PLANNING ID NUMBER P10705	
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000085035		INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 97479	
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	April 03, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	April 03, 2019 to April 03, 2024		
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: 06/13/2023 | ADMINORDER 2021-0553-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | |
| | 5C THSC Chapter 382 382.085(b) | |
| | Rqmt Prov: FOP No. 04123, GTC and STC No. 13 OP | |
| | NSR Nos. 136130 and N250M1, SC No. 1 PERMIT | |
| | NSR Nos. 136130 and N250MI, SC No. 1 PERMIT | |
| | Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 487.71 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 347484) that occurred on December 12, 2020 and lasted 45 minutes. The emissions event occurred due to a crack in tubing on the level transmitter, resulting in the release to the atmosphere. | |

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 17, 2021	(1697281)
Item 2	March 21, 2023	(1879375)
Item 3	October 25, 2023	(1931197)
Item 4	October 27, 2023	(1925404)

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: 02/29/2024 (1945343)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition 16B PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP

Description: Failure to maintain the pilot flame for the Elevated Flare (EPN: FLR-1) (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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 13 OP
Special Term and Condition 16A PERMIT
Special Term and Condition 1A OP

Description: Failure to maintain the net heating value for the Elevated Flare (EPN: FLR-1) (Category B18(g)(1)).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.48c(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545(a)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to submit required notifications for Heater No. 2 (EPN: HTR-2) (Category B3).

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 28D PERMIT
Special Term and Condition 13 OP

Description: Failure to conduct required stack sampling for the Hot Oil Heater (EPN: HTR-1) (Category B1).

F. Environmental audits:

Notice of Intent Date: 02/11/2020 (1630070)

Disclosure Date: 09/24/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(a)(2)

Description: Failed to provide a flow indicator on the NSPS NNN affected vent stream that is routed to the Thermal Oxidizer.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)

40 CFR Part 63, Subpart A 63.11(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
Rqmt Prov: PERMIT Special Conditions No. 16.C
Description: Failed to provide a baffle on the plant flare that prevents the flare from smoking during high velocity events.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Rqmt Prov: PERMIT Special Conditions No. 1
Description: Failed to comply with permit representations. Specifically, the final design of the LAO Unit and associated auxiliary facilities differs from the permit representations: flare flow rates, fugitive component counts, throughputs, heat inputs, etc. require updating to reflect the as-build design.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
Rqmt Prov: PERMIT Special Conditions No. 16.A
Description: Failed to maintain the plant flare net heating value at or above 300 btu/scf.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 1
PERMIT Special Conditions No. 7.C
PERMIT Special Conditions No. 7.C(1)
Description: Failed to prevent Hot Oil Heater NOx hourly exceedances.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.335(a)(1)
Rqmt Prov: PERMIT Special Conditions No. 28.C
Description: Failed to conduct required stack sampling within 180 days after startup for the Hot Oil Heater, Marine Vapor Combustor, and Thermal Oxidizer.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)(1)
Description: Failed to perform required stack sampling of Heater No. 2 within 180 days after startup.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
Description: Failed to install the required totalizing fuel flow meter on Heater No. 2.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)
Description: Failed to include the applicable regulatory requirements for Heater No. 2 in SOP No. 04123.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)
Description: Failed to include the applicable NSPS Wa regulatory requirements for the fugitive components in the PAO Unit (EPN: FUG) in SOP No. 04123.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 18.A
Description: Failed to maintain the Thermal Oxidizer six-minute average temperature at or above the required 1,500 degrees Fahrenheit.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.345(f)(8)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(o)

Rqmt Prov: PERMIT Special Conditions No. 30.B

Description: Failed to maintain the Hot Oil Heater CEMS daily calibration records.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 16.D

Description: Failed to maintain the plant flare HRVOC GC calibration records.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)

Rqmt Prov: PERMIT Special Conditions No. 12B

Description: Failed to perform the internal floating roof tank inspections within 12 months after the initial tank filling date.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT General Conditions No. 7

PERMIT Special Conditions No. 20

PERMIT Special Conditions No. 21

PERMIT Special Conditions No. 31

Description: Failed to satisfy the recordkeeping requirements of Permit No. 136130.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)

Description: Failed to calibrate the Flare HRVOC temperature, pressure, and flow monitors.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT Special Conditions No. 13.D

Description: Failed to conduct an annual cooling tower drift eliminator inspection.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT Special Conditions No. 7.C(2)

Description: Failed to maintain the Hot Oil Heater below the NOx lb/MMBtu 1-hour block average permit limit.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)

Description: Failed to utilize the correct NOx span concentration cylinder for the Hot Oil Heater CEMS daily calibrations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)

Description: Failed to provide notification of waste storage, processing, or disposal activities to TCEQ 90 days prior to operating the filter oven.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 335, SubChapter Q 335.474

Description: Failed to prepare and maintain a five year pollution prevention plan on-site.

Notice of Intent Date: 09/28/2020 (1678479)

No DOV Associated

Notice of Intent Date: 06/09/2022 (1819616)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INEOS OLIGOMERS USA LLC
RN108783614

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1267-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 OLIGOMERS 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 15916 Farm-to-Market Road 2004 in Alvin, 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 \$54,426 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$43,541 of the penalty and \$10,885 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 June 30, 2021, submitted the initial notification for Incident No. 361181;
 - b. On July 14, 2021, submitted the final record for Incident No. 361181;
 - c. By July 15, 2021, installed a filter screen to prevent solids from clogging the C7126 bottoms level control valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360425; and
 - d. By September 22, 2021, installed a cover over the emergency shutdown button on the Hot Oil Heater in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365574.

II. ALLEGATIONS

1. During a record review for the Plant conducted from June 30, 2021 through July 15, 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), New Source Review ("NSR") Permit Nos. 136130 and N250, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 04123, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,723.46 pounds ("lbs") of volatile organic compounds ("VOC"), 879.03 lbs of carbon monoxide ("CO"), and 206.01 lbs of nitrogen oxides ("NOx") from the Elevated Flare, Emissions Point Number ("EPN") FLR-1, during an emissions event (Incident No. 360425) that began on June 16, 2021 and lasted 22 hours.
2. During a record review for the Plant conducted from July 14, 2021 through August 26, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 136130 and N250, SC No. 1, FOP No. 04123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 3,137.30 lbs of VOC, 815.09 lbs of CO, and 196.20 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 361181) that began on June 24, 2021 and lasted 25 hours.

- b. 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), FOP No. O4123, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 361181 was due by June 25, 2021 at 6:00 p.m., but was not submitted until June 30, 2021 at 4:36 p.m.
 - c. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O4123, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No. 361181 was due by July 9, 2021, but was not submitted until July 14, 2021.
3. During a record review for the Plant conducted from September 9, 2021 through September 22, 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 Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 909.26 lbs of VOC, 775.27 lbs of CO, and 198.88 lbs of NO_x from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365712) that began on August 27, 2021 and lasted 80 hours.
4. During a record review for the Plant conducted from September 3, 2021 through September 10, 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 Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 530.39 lbs of VOC from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365326) that occurred on August 20, 2021 and lasted 11 hours and 44 minutes.
5. During a record review for the Plant conducted from August 9, 2021 through August 23, 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 Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 726.47 lbs of VOC, 429.18 lbs of CO, and 102.21 lbs of NO_x from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 363600) that began on July 26, 2021 and lasted 11 hours and five minutes.
6. During a record review for the Plant conducted from September 8, 2021 through September 22, 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 Nos. 136130 and N250, SC No. 1, FOP No. O4123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 228.24 lbs of VOC, 208.67 lbs of CO, and 51.20 lbs of NO_x from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 365574) that occurred on August 24, 2021 and lasted 12 hours.
7. During a record review for the Plant conducted from October 4, 2021 through October 15, 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 Nos. 136130 and N250, SC No. 1, FOP No. 04123, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,767.33 lbs of VOC, 529.66 lbs of CO, and 131.79 lbs of NOx from the Elevated Flare, EPN FLR-1, during an emissions event (Incident No. 366833) that began on September 19, 2021 and lasted 27 hours.

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 OLIGOMERS USA LLC, Docket No. 2021-1267-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:
 - a. Within 30 days after the effective date of the Order:
 - i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 361181.
 - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365712.
 - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365326.
 - iv. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363600.
 - v. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366833.
 - 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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. 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.
6. 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.
7. 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.

8. 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

6/24/2024

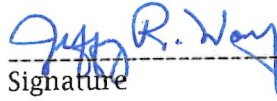
Date

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

5/7/2024

Date

Jeffrey Wolf

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

Asset Manager

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.