

**Executive Summary – Enforcement Matter – Case No. 61554**  
**INEOS US Chemicals Company**  
**RN102536307**  
**Docket No. 2021-1563-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events

**Media:**

AIR

**Small Business:**

No

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

INEOS US Chemicals, 2800 Farm-to-Market Road 519 East, Texas City, Galveston County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0121-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 30, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$150,000

**Total Paid to General Revenue:** \$75,000

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$75,000

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$36,000

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** October 5, 2021

**Date(s) of NOE(s):** October 29, 2021

**Executive Summary – Enforcement Matter – Case No. 61554  
INEOS US Chemicals Company  
RN102536307  
Docket No. 2021-1563-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 1176 and PSDTX782, Special Conditions No. 1, Federal Operating Permit No. O1513, General Terms and Conditions and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By August 10, 2021, the Respondent worked with a third-party to increase the polymerization inhibitor specification, performed reaction modeling to establish the maximum amount of product that would remain contained within a tank car if the tank car is involved in an exothermic reaction, issued the first Tank Car Inhibitor Modeling Report, implemented the Moving Tank Cars to Long Term Storage Operating Procedure, successfully tested the third-party's software revision that flagged tank cars weighing in above the weight-discrepancy threshold, and implemented the Inbound Tank Car Heel Screening Operating Procedure in order to address the excessive emissions event that began on July 17, 2020 (Incident No. 339273).

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Contact Information***

**TCEQ Attorney:** N/A

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

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

**SEP Third-Party Administrator:** Texas PTA, 408 West 11th Street, Austin, Texas 78701

**Respondent:** Jennifer Himes, Environmental Supervisor, INEOS US Chemicals Company, P.O. Box 1688, Texas City, Texas 77592

Julio Rodriguez, Site Director, INEOS US Chemicals Company, P.O. Box 1688, Texas City, Texas 77592

**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>	1-Nov-2021	<b>Screening</b>	10-Nov-2021	<b>EPA Due</b>	
	<b>PCW</b>	30-Apr-2023				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	INEOS US Chemicals Company
<b>Reg. Ent. Ref. No.</b>	RN102536307
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61554	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-1563-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$150,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>49.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$73,500</b>
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Notes: Enhancement for two NOVs with same/similar violations and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$37,500</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,066  
 Estimated Cost of Compliance: \$20,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$186,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$186,000</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$150,000</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$150,000</b>
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**Screening Date** 10-Nov-2021

**Docket No.** 2021-1563-AIR-E

**PCW**

**Respondent** INEOS US Chemicals Company

Policy Revision 5 (January 28, 2021)

**Case ID No.** 61554

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN102536307

**Media** Air

**Enf. Coordinator** Danielle Porras

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	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> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)** 49%

#### >> 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. Reduction for one notice of intent to conduct an audit.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 49%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 49%

**Screening Date** 10-Nov-2021  
**Respondent** INEOS US Chemicals Company  
**Case ID No.** 61554  
**Reg. Ent. Reference No.** RN102536307  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Docket No.** 2021-1563-AIR-E

**PCW**

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

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 1176 and PSDTX782, Special Conditions No. 1, Federal Operating Permit No. O1513, General Terms and Conditions and Special Terms and Conditions No. 20, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 16,390 pounds of styrene as fugitive emissions, during an emissions event (Incident No. 339273) that began on July 17, 2020 and lasted 135 hours and 30 minutes. The emissions event occurred when a railcar was erroneously shipped as an "empty" railcar without having all of the product unloaded that allowed the inhibitor in the styrene material in the railcar to degrade over a 3-month period while the railcar sat in storage, resulting in an exothermic polymerization reaction and in the release to the atmosphere. The emissions event was determined to be an excessive emissions event.

**Base Penalty** \$25,000

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes: Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$0

\$25,000

**Violation Events**

Number of Violation Events: 6      6 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$150,000

Six daily events are recommended.

**Good Faith Efforts to Comply**

25.0%

Reduction \$37,500

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

Extraordinary	
Ordinary	x
N/A	

Notes: The Respondent completed the corrective measures by August 10, 2021, prior to the Notice of Enforcement dated October 29, 2021.

**Violation Subtotal** \$112,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$1,066

**Violation Final Penalty Total** \$186,000

**This violation Final Assessed Penalty (adjusted for limits)** \$150,000

## Economic Benefit Worksheet

**Respondent** INEOS US Chemicals Company  
**Case ID No.** 61554  
**Reg. Ent. Reference No.** RN102536307  
**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)	\$20,000	17-Jul-2020	10-Aug-2021	1.07	\$1,066	n/a	\$1,066

**Notes for DELAYED costs**

Estimated cost to work with a third-party to increase the polymerization inhibitor specification, perform reaction modeling to establish the maximum amount of product that would remain contained within a tank car if the tank car is involved in an exothermic reaction, issue the first Tank Car Inhibitor Modeling Report, implement the Moving Tank Cars to Long Term Storage Operating Procedure, successfully test the third-party's software revision that flagged tank cars weighing in above the weight-discrepancy threshold, and implement the Inbound Tank Car Heel Screening Operating Procedure in order to address the excessive emissions event that began on July 17, 2020 (Incident No. 339273). 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

\$20,000

**TOTAL**

\$1,066



# Compliance History Report

Compliance History Report for CN600126775, RN102536307, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600126775, INEOS US Chemicals Company  
**Classification:** SATISFACTORY **Rating:** 8.60

**Regulated Entity:** RN102536307, INEOS US CHEMICALS  
**Classification:** SATISFACTORY **Rating:** 3.86

**Complexity Points:** 26 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 2800 Farm-to-Market Road 519 East, Texas City, Galveston County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER GB0001R	<b>AIR OPERATING PERMITS</b> PERMIT 1513
<b>AIR NEW SOURCE PERMITS</b> PERMIT 31936	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 47876
<b>AIR NEW SOURCE PERMITS</b> PERMIT 47273	<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER GB0001R
<b>AIR NEW SOURCE PERMITS</b> PERMIT 1176	<b>AIR NEW SOURCE PERMITS</b> PERMIT 6841
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 10070	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11911
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11987	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12181
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12225	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX459
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX619	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4816700002
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 90000	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 89999
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX459M2	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX984
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX782	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 83420
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX782M1	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 89998
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 163395	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 161914
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 167595	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 164509
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168039	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 170120
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 150150	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 159609
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 155479	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 159263
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 156003	<b>WASTEWATER LICENSING</b> LICENSE WQ0000452000
<b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 30373	<b>STORMWATER</b> PERMIT WQ0000452000
<b>STORMWATER</b> EPA ID TX0004766	<b>STORMWATER</b> PERMIT TXR05DY94
<b>WASTEWATER</b> PERMIT TXG670297	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER GB0001R
<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00030	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD005942438
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30373	

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

**Date Compliance History Report Prepared:** December 21, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 21, 2017 to December 21, 2022

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

**Name:** Danielle Porras

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

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

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

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

- 1 Effective Date: 01/15/2019 ADMINORDER 2018-0628-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 1176, Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 79.5 pounds of benzene as fugitive emissions during an avoidable emissions event (Incident No. 248803) that began on December 15, 2016 and lasted 15 minutes. The emissions event occurred due to a leak from a corroded tube in a heat exchanger located in the Paraxylene No. 1 Unit, resulting in a release to the atmosphere.
- 2 Effective Date: 08/11/2021 ADMINORDER 2020-0304-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 1 PERMIT  
Description: Failure to maintain tons per year emissions of NOx and CO within the limits of the Maximum Allowable Emissions Rate (MAER). (Category A8, Criterion 2)  
Classification: Moderate  
Citation: 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)  
Rqmt Prov: FOP General Term & Condition OP  
Description: Failure report all deviations. (Category B3)

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	January 04, 2018	(1474506)
Item 2	February 06, 2018	(1486732)
Item 3	March 06, 2018	(1490409)
Item 4	April 13, 2018	(1493646)
Item 5	May 08, 2018	(1500564)
Item 6	June 11, 2018	(1507681)
Item 7	July 09, 2018	(1513998)
Item 8	August 14, 2018	(1520060)
Item 9	August 29, 2018	(1466250)
Item 10	September 11, 2018	(1527225)
Item 11	October 15, 2018	(1533583)
Item 12	November 15, 2018	(1541418)
Item 13	December 06, 2018	(1545202)
Item 14	January 15, 2019	(1568926)
Item 15	February 11, 2019	(1559579)
Item 16	March 11, 2019	(1559580)
Item 17	April 10, 2019	(1571799)
Item 18	April 15, 2019	(1555576)
Item 19	April 25, 2019	(1550349)
Item 20	May 09, 2019	(1583207)
Item 21	June 12, 2019	(1583208)
Item 22	August 02, 2019	(1580875)



Item 23	August 07, 2019	(1599458)
Item 24	September 11, 2019	(1606363)
Item 25	October 10, 2019	(1613209)
Item 26	November 12, 2019	(1619023)
Item 27	December 10, 2019	(1626375)
Item 28	January 02, 2020	(1634016)
Item 29	February 10, 2020	(1640635)
Item 30	February 11, 2020	(1623391)
Item 31	March 11, 2020	(1647155)
Item 32	April 03, 2020	(1653491)
Item 33	May 11, 2020	(1660077)
Item 34	June 11, 2020	(1666582)
Item 35	July 14, 2020	(1673539)
Item 36	August 17, 2020	(1680314)
Item 37	September 14, 2020	(1686883)
Item 38	October 20, 2020	(1693229)
Item 39	October 21, 2020	(1696402)
Item 40	November 16, 2020	(1712380)
Item 41	December 18, 2020	(1712381)
Item 42	January 20, 2021	(1712382)
Item 43	February 18, 2021	(1725435)
Item 44	March 17, 2021	(1725436)
Item 45	April 19, 2021	(1734952)
Item 46	April 20, 2021	(1725437)
Item 47	May 19, 2021	(1744826)
Item 48	May 20, 2021	(1740029)
Item 49	May 28, 2021	(1724249)
Item 50	June 18, 2021	(1725011)
Item 51	June 21, 2021	(1747561)
Item 52	July 20, 2021	(1751679)
Item 53	August 20, 2021	(1757143)
Item 54	September 20, 2021	(1766223)
Item 55	September 27, 2021	(1683724)
Item 56	October 21, 2021	(1776626)
Item 57	November 19, 2021	(1783595)
Item 58	January 19, 2022	(1790619)
Item 59	February 09, 2022	(1806289)
Item 60	March 18, 2022	(1813354)
Item 61	April 19, 2022	(1819926)
Item 62	April 21, 2022	(1783377)
Item 63	May 16, 2022	(1828766)
Item 64	June 15, 2022	(1835056)
Item 65	July 19, 2022	(1842262)
Item 66	August 18, 2022	(1848396)
Item 67	September 19, 2022	(1856192)
Item 68	October 18, 2022	(1862550)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- Date: 03/30/2022 (1762602)

Self Report? NO Classification: Minor

Citation: 1513 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
31936 PERMIT  
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)

Description: Failure to maintain the MX-2 flare's (EPN: FL-601) net heating value above the minimum of 300 British thermal units (Btu) per standard cubic foot (scf). (Category B18.g.1 violation)

Self Report? NO Classification: Minor  
Citation: 1176 PERMIT  
1513 OP  
30 TAC Chapter 115, SubChapter H 115.722(d)  
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)  
Description: Failure to maintain the PX-1 flare's (EPN: FL-201) net heating value above the minimum of 300 British thermal units (Btu) per standard cubic foot (scf). (Category B18.g.1 violation).

Self Report? NO Classification: Minor  
Citation: 1176 PERMIT  
1513 OP  
30 TAC Chapter 115, SubChapter H 115.722(d)  
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)  
Description: Failure to maintain the PX-2 flare's (EPN: FL-401) net heating value above the minimum of 300 British thermal units (Btu) per standard cubic foot (scf). (Category B18.g.1 violation)

Self Report? NO Classification: Moderate  
Citation: 1513 OP  
30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to maintain the carbon monoxide (CO) concentration of the H104 heater within the allowable concentration of no more than 400 parts per million (ppm). (Category B18.g.1 violation).

Self Report? NO Classification: Minor  
Citation: 1513 OP  
30 TAC Chapter 117, SubChapter B 117.310(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to prevent operation of the emergency generator between the hours of 06:00 and 12:00. (Category C1 violation)

Self Report? NO Classification: Minor  
Citation: 1176 PERMIT  
1513 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)  
Description: Failure to conduct weekly cooling water sampling for the PX-1, PX-3, MX2, PCU, and Utilities Cooling Tower (EPN: CT-351). (Category C1 violation)

Self Report? NO Classification: Minor  
Citation: 1176 PERMIT  
1513 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)  
Description: Failure to conduct weekly cooling water sampling for the PX-2 Cooling Tower (EPN: CT-451). (Category C1 violation)

2

Date: 11/29/2022 (1841025)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 7C PERMIT  
Special Term and Condition 24 OP  
Description: Failure to perform weekly cooling water sampling for TDS from PX-2 Cooling Tower (EPN: CT-451). (Category C1)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6D PERMIT  
Special Term and Condition 20 OP  
Description: Failure to operate flare composition analyzer with downtime less than 5% for

Flare M-302 (EPN: FL-601). (Category B17)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP

Description: Failure to prevent testing of a stationary diesel engine Fire Water System Pump (ID: FWPUMP1302) before noon. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP

Description: Failure to prevent testing of a stationary diesel engine Emergency Engine PX3 (ID: EMERGENPX3) before noon. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP

Description: Failure to maintain carbon monoxide (CO) concentration within permit limits for PX-2 H-Reboilers 1103/1104 (EPN: HF-453). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP

Description: Failure to maintain carbon monoxide (CO) concentration within permit limits for PX-1 Reboilers H-103/104 (EPN: HF-203). (Category B13)

Self Report? NO Classification: Moderate

Citation: 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)  
General Terms and Conditions OP

Description: Failure to report all deviations. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6 PERMIT  
Special Terms and Conditions 1A and 24 OP

Description: Failure to conduct the monthly HRVOC sample from PX-2 Cooling Tower (EPN: CT-451). (Category B17)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2 PERMIT  
Special Term and Condition 24 OP

Description: Failure to maintain emissions within permit limits for PX-2 Flare (EPN: FL-401). (Category B12)

**F. Environmental audits:**

Notice of Intent Date: 04/30/2020 (1652578)  
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

## **Component Appendices**

### **Appendix A**

#### **All NOV's Issued During Component Period 12/21/2017 and 12/21/2022**

- 1 Date: 12/31/2018 (1559581)  
Self Report? YES Classification: Moderate  
Citation:  
2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 06/30/2019 (1593112)  
Self Report? YES Classification: Moderate  
Citation:  
2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 02/14/2020 (1592335)  
Self Report? NO Classification: Minor  
Citation:  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 13 PERMIT  
Description: Failure to submit an annual summary of the emissions inventory on time.  
(Category C3)  
Self Report? NO Classification: Minor  
Citation:  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit quarterly Benzene Waste Operations Notification (BWON) on  
time. (Category C3)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
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)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP  
FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 4A PERMIT  
Description: Failure to maintain PX2 flare (EPN: FL-401) heating value above 300 btu/scf.  
(Category B18g1)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
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)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP  
FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 4A PERMIT  
Description: Failure to maintain PX1 flare (EPN: FL-201) heating value above 300 btu/scf.  
(Category B18g1)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)

Description: 5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP  
Failure to maintain CO emissions from heater H-1101 (EPN: HF-451) below 400 ppm. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 6G PERMIT

Description: Failure to conduct loading/unloading without spills at PX-2 tank (EPN: F-1111). (Category B13)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP

Description: Failure to take a sample after eight consecutive hours of HRVOC analyzer downtime for PX1 flare (EPN: FL-201). (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP

Description: Failure to take a sample after eight consecutive hours of HRVOC analyzer downtime for PX2 flare (EPN: FL-401). (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP  
FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 17E PERMIT

Description: Failure to prevent an open-ended line (OEL). (Category C10)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.721(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 6F PERMIT  
Description: Failure to maintain tank (EPN: TK202) throughput within the maximum allowable limit. (Category C4)

4 Date: 02/18/2020 (1623044)

Self Report? NO Classification: Minor

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

Description: The facility failed to update the Notice of Registration (NOR).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

Description: The facility failed to submit complete and correct waste manifests.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)

Description: The facility failed to provide a complete and correct Annual Waste Summary (AWS) report for 2016.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 335, SubChapter A 335.13(k)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42(a)(2)

Description: The facility failed to submit an exception report.

5 Date: 11/24/2020 (1672684)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 115, SubChapter B 115.122(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term and Condition 1A OP  
FOP, Special Term and Condition 20 OP  
NSR Special Condition 4C PERMIT

Description: Failure to prevent visible emissions from flare PX-2 (Category C4)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
FOP, General Terms and Conditions OP

Description: Failure to submit a timely Permit Compliance Certification (Category B3)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
FOP, General Terms and Conditions OP

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

6\* Date: 03/30/2022 (1762602)

Self Report? NO Classification: Minor

Citation:

1513 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
31936 PERMIT  
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)

Description: Failure to maintain the MX-2 flare's (EPN: FL-601) net heating value above the minimum of 300 British thermal units (Btu) per standard cubic foot (scf). (Category B18.g.1 violation)

Self Report? NO Classification: Minor

Citation:

1176 PERMIT  
1513 OP  
30 TAC Chapter 115, SubChapter H 115.722(d)  
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)

Description: Failure to maintain the PX-1 flare's (EPN: FL-201) net heating value above the minimum of 300 British thermal units (Btu) per standard cubic foot (scf). (Category B18.g.1 violation).

Self Report? NO Classification: Minor

Citation:

1176 PERMIT  
1513 OP  
30 TAC Chapter 115, SubChapter H 115.722(d)  
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 A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the PX-2 flare's (EPN: FL-401) net heating value above the minimum of 300 British thermal units (Btu) per standard cubic foot (scf). (Category B18.g.1 violation)

Self Report? NO Classification: Moderate

Citation: 1513 OP  
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the carbon monoxide (CO) concentration of the H104 heater within the allowable concentration of no more than 400 parts per million (ppm). (Category B18.g.1 violation).

Self Report? NO Classification: Minor

Citation: 1513 OP  
 30 TAC Chapter 117, SubChapter B 117.310(f)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to prevent operation of the emergency generator between the hours of 06:00 and 12:00. (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 1176 PERMIT  
 1513 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)

Description: Failure to conduct weekly cooling water sampling for the PX-1, PX-3, MX2, PCU, and Utilities Cooling Tower (EPN: CT-351). (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 1176 PERMIT  
 1513 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)

Description: Failure to conduct weekly cooling water sampling for the PX-2 Cooling Tower (EPN: CT-451). (Category C1 violation)

7 Date: 11/29/2022 (1841025)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7C PERMIT  
 Special Term and Condition 24 OP

Description: Failure to perform weekly cooling water sampling for TDS from PX-2 Cooling Tower (EPN: CT-451). (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 6D PERMIT  
 Special Term and Condition 20 OP

Description: Failure to operate flare composition analyzer with downtime less than 5% for Flare M-302 (EPN: FL-601). (Category B17)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to prevent testing of a stationary diesel engine Fire Water System Pump

(ID: FWPUMP1302) before noon. (Category C1)

Self Report? NO Classification: Minor

Citation:  
 30 TAC Chapter 117, SubChapter B 117.310(f)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to prevent testing of a stationary diesel engine Emergency Engine PX3 (ID: EMERGENPX3) before noon. (Category C1)

Self Report? NO Classification: Moderate

Citation:  
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to maintain carbon monoxide (CO) concentration within permit limits for PX-2 H-Reboilers 1103/1104 (EPN: HF-453). (Category B13)

Self Report? NO Classification: Moderate

Citation:  
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to maintain carbon monoxide (CO) concentration within permit limits for PX-1 Reboilers H-103/104 (EPN: HF-203). (Category B13)

Self Report? NO Classification: Moderate

Citation:  
 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)  
 General Terms and Conditions OP

Description: Failure to report all deviations. (Category B3)

Self Report? NO Classification: Moderate

Citation:  
 30 TAC Chapter 115, SubChapter H 115.764(b)(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 6 PERMIT  
 Special Terms and Conditions 1A and 24 OP

Description: Failure to conduct the monthly HRVOC sample from PX-2 Cooling Tower (EPN: CT-451). (Category B17)

Self Report? NO Classification: Moderate

Citation:  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2 PERMIT  
 Special Term and Condition 24 OP

Description: Failure to maintain emissions within permit limits for PX-2 Flare (EPN: FL-401). (Category B12)

\* NOVs applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

**Appendix B**  
**All Investigations Conducted During Component Period December 21, 2017 and December 21, 2022**

Item 1*	January 04, 2018**	(1474506)
Item 2*	February 06, 2018**	(1486732)
Item 3*	March 06, 2018**	(1490409)
Item 4*	April 13, 2018**	(1493646)
Item 5	May 02, 2018**	(1395486)
Item 6*	May 08, 2018**	(1500564)
Item 7*	June 11, 2018**	(1507681)



Item 8*	July 09, 2018**	(1513998)
Item 9*	August 14, 2018**	(1520060)
Item 10*	August 29, 2018**	(1466250)
Item 11*	September 11, 2018**	(1527225)
Item 12*	October 15, 2018**	(1533583)
Item 13*	November 15, 2018**	(1541418)
Item 14*	December 06, 2018**	(1545202)
Item 15	January 15, 2019**	(1559581)
Item 16*	February 11, 2019**	(1559579)
Item 17*	March 11, 2019**	(1559580)
Item 18*	April 10, 2019**	(1571799)
Item 19*	April 15, 2019**	(1555576)
Item 20*	April 25, 2019**	(1550349)
Item 21*	May 09, 2019**	(1583207)
Item 22*	June 12, 2019**	(1583208)
Item 23	July 19, 2019**	(1593112)
Item 24*	August 02, 2019**	(1580875)
Item 25*	August 07, 2019**	(1599458)
Item 26*	September 11, 2019**	(1606363)
Item 27*	October 10, 2019**	(1613209)
Item 28*	November 12, 2019**	(1619023)
Item 29*	December 10, 2019**	(1626375)
Item 30*	January 02, 2020**	(1634016)
Item 31*	February 10, 2020**	(1640635)
Item 32*	February 11, 2020**	(1623391)
Item 33	February 14, 2020**	(1592335)
Item 34	February 18, 2020**	(1623044)
Item 35*	March 11, 2020**	(1647155)
Item 36*	April 03, 2020**	(1653491)
Item 37*	May 11, 2020**	(1660077)
Item 38*	June 11, 2020**	(1666582)
Item 39*	July 14, 2020**	(1673539)
Item 40*	August 17, 2020**	(1680314)
Item 41*	September 14, 2020**	(1686883)
Item 42*	October 20, 2020**	(1693229)
Item 43*	October 21, 2020**	(1696402)
Item 44*	November 16, 2020**	(1712380)
Item 45	November 24, 2020**	(1672684)
Item 46*	December 18, 2020**	(1712381)
Item 47*	January 20, 2021**	(1712382)
Item 48*	February 18, 2021**	(1725435)
Item 49*	March 17, 2021**	(1725436)
Item 50*	April 19, 2021**	(1734952)
Item 51*	April 20, 2021**	(1725437)
Item 52	April 27, 2021**	(1699723)
Item 53*	May 19, 2021**	(1744826)
Item 54*	May 20, 2021**	(1740029)
Item 55*	May 28, 2021**	(1724249)

Item 56*	June 18, 2021**	(1725011)
Item 57*	June 21, 2021**	(1747561)
Item 58*	July 20, 2021**	(1751679)
Item 59*	August 20, 2021**	(1757143)
Item 60*	September 20, 2021**	(1766223)
Item 61*	September 27, 2021**	(1683724)
Item 62*	October 21, 2021**	(1776626)
Item 63	October 27, 2021**	(1690293)
Item 64*	November 19, 2021**	(1783595)
Item 65*	January 19, 2022**	(1790619)
Item 66*	February 09, 2022**	(1806289)
Item 67*	March 18, 2022**	(1813354)
Item 68	March 29, 2022**	(1762602)
Item 69*	April 19, 2022**	(1819926)
Item 70*	April 21, 2022**	(1783377)
Item 71*	May 16, 2022**	(1828766)
Item 72*	June 15, 2022**	(1835056)
Item 73*	July 19, 2022**	(1842262)
Item 74*	August 18, 2022**	(1848396)
Item 75*	September 19, 2022	(1856192)
Item 76*	October 18, 2022	(1862550)
Item 77	November 08, 2022	(1852363)
Item 78	November 29, 2022	(1841025)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
INEOS US CHEMICALS COMPANY  
RN102536307

§  
§  
§  
§  
§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1563-AIR-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INEOS US Chemicals Company (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

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. During a record review for the Plant conducted on October 5, 2021, an investigator documented that the Respondent released 16,390 pounds of Styrene as fugitive emissions, during an emissions event (Incident No. 339273) that began on July 17, 2020 and lasted 135 hours and 30 minutes. The emissions event occurred when a railcar was erroneously shipped as an "empty" railcar without having all of the product unloaded that allowed the inhibitor in the styrene material in the railcar to degrade over a 3-month period while the railcar sat in storage, resulting in an exothermic polymerization reaction and in the release to the atmosphere. TCEQ staff determined that the emissions event was an excessive emissions event.
3. The Executive Director recognizes that by August 10, 2021, the Respondent worked with a third-party to increase the polymerization inhibitor specification, performed reaction modeling to establish the maximum amount of product that would remain contained

within a tank car if the tank car is involved in an exothermic reaction, issued the first Tank Car Inhibitor Modeling Report, implemented the Moving Tank Cars to Long Term Storage Operating Procedure, successfully tested the third-party's software revision that flagged tank cars weighing in above the weight-discrepancy threshold, and implemented the Inbound Tank Car Heel Screening Operating Procedure in order to address the excessive emissions event that began on July 17, 2020 (Incident No. 339273).

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 1176 and PSDTX782, Special Conditions No. 1, Federal Operating Permit No. O1513, General Terms and Conditions and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$150,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$75,000 penalty. Pursuant to TEX. WATER CODE § 7.067, \$75,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS US Chemicals Company, Docket No. 2021-1563-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Conclusion of Law No. 4. The amount of \$75,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. 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.
7. 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 in this Order.
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. 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.

10. 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.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

  
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For the Executive Director

7/7/2023  
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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.

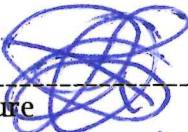
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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.

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Signature

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Date

  
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**Julio Rodriguez**  
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Name (Printed or typed)  
Authorized Representative of  
INEOS US Chemicals Company

05/17/23  
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**Site Director**  
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Title

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

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

**Attachment A**  
**Docket Number: 2021-1563-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INEOS US Chemicals Company</b>
<b>Payable Penalty Amount:</b>	<b>\$150,000</b>
<b>SEP Offset Amount:</b>	<b>\$75,000</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Congress of Parents and Teachers dba Texas PTA</b>
<b>Project Name:</b>	<b><i>Texas PTA Clean School Bus Replacement Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216: Houston-Galveston - Preference for Galveston County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases,



including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA  
408 West 11th Street  
Austin, Texas 78701

**3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

INEOS US Chemicals Company  
Docket No. 2021-1563-AIR-E  
Agreed Order - Attachment A

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

**5. Publicity**

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

**6. Recognition**

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

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

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