

Executive Summary – Enforcement Matter – Case No. 62856
INEOS Styrolution America LLC
RN100542224
Docket No. 2022-1110-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Bayport Facility, 12222 Port Drive, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 27, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$32,625

Amount Deferred for Expedited Settlement: \$6,525

Total Paid to General Revenue: \$13,050

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$13,050

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 12, 2021 through April 20, 2022, November 18, 2021 through February 8, 2022, and August 24, 2023 through October 25, 2023

Date(s) of NOE(s): August 18, 2023 and November 30, 2023

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Docket No. 2022-1110-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 26.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 369573) that occurred on November 2, 2021 and lasted seven hours and 30 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 5252, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1625, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 18.30 lbs of carbon monoxide, 3.00 lbs of nitrogen oxides ("NOx"), and 58.00 lbs of VOC from the Flare, Emissions Point Number ("EPN") FL, during an emissions event (Incident No. 369731) that occurred on November 8, 2021 and lasted 15 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 5252, SC No. 1, FOP No. O1625, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the maximum allowable emissions rate ("MAER") and concentration limit. Specifically, the Respondent exceeded the NOx MAER of 2.34 pounds per hour ("lbs/hr") by a range of 0.0001 lb/hr to 2.54 lbs/hr for a total of 768 hours on 53 days from June 9, 2022 to August 4, 2022 and exceeded the NOx concentration limit of 10 parts per million by volume on a dry basis ("ppmvd") corrected to 3.0 percent oxygen on an hourly average by a range from 0.09 ppmvd to 62.77 ppmvd for a total of 1,714 hours on 75 days from June 3, 2022 through August 16, 2022 for Superheater HS-220, EPN 220, resulting in 193.95 lbs of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 5252, SC Nos. 1 and 7.A.(1), FOP No. O1625, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By May 1, 2022, replaced the benzene pipeline in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369573;
- b. By September 22, 2022, repaired and reinstalled the damper actuator in order to comply with the NOx hourly MAER and NOx concentration limit for Superheater HS-220, EPN 220; and
- c. By May 31, 2024, overhauled Vent Gas Compressor PC-271B with an upgraded instrumentation and control system, overhauled Vent Gas Compressors PC-271A and PC-271C, and replaced the Seal Gas Pressure Switches for the Vent Gas Compressor PC-

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RN100542224
Docket No. 2022-1110-AIR-E

271B in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369731.

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: Desmond Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2814; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: Terrence Trevino, Site Director, Bayport EBSM, INEOS Styrolution America LLC, 12222 Port Road, Pasadena, Texas 77507

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Aug-2022	Screening	6-Sep-2022	EPA Due	12-Jun-2024
	PCW	31-Jul-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	INEOS Styrolution America LLC				
Reg. Ent. Ref. No.	RN100542224				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	62856	No. of Violations	3
Docket No.	2022-1110-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Desmond Martin
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	65.0%	Adjustment	Subtotals 2, 3, & 7	\$14,625
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Notes: Enhancement for one NOV with same or similar violations and three agreed orders containing a denial of liability.

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	-\$4,500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$4,815
Estimated Cost of Compliance	\$100,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$32,625
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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	\$32,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$32,625
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,525
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$26,100
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Screening Date	6-Sep-2022	Docket No.	2022-1110-AIR-E	PCW
Respondent	INEOS Styrolution America LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62856			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100542224			
Media	Air			
Enf. Coordinator	Desmond Martin			

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>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> 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 one NOV with same or similar violations and three agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 6-Sep-2022 Respondent INEOS Styrolution America LLC Case ID No. 62856 Reg. Ent. Reference No. RN100542224 Media Air Enf. Coordinator Desmond Martin	Docket No. 2022-1110-AIR-E <div style="text-align: right;"> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> </div>	PCW
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Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 5252, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1625, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 26.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 369573) that occurred on November 2, 2021 and lasted seven hours and 30 minutes.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input style="width: 50px;" type="text" value="30.0%"/>

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input style="width: 50px;" type="text" value="0.0%"/>

	Adjustment <input style="width: 100px;" type="text" value="\$17,500"/>
<input style="width: 150px;" type="text" value="\$7,500"/>	

Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>		Number of violation days <input style="width: 50px;" type="text" value="1"/>
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	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	x	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Violation Base Penalty			<input style="width: 100px;" type="text" value="\$7,500"/>

One monthly event is recommended.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>
Notes	The Respondent completed the corrective measures by May 1, 2022, prior to the Notice of Enforcement ("NOE") dated August 18, 2022.	
Violation Subtotal		<input style="width: 100px;" type="text" value="\$5,625"/>

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 100px;" type="text" value="\$1,233"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$10,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$10,500"/>	

Economic Benefit Worksheet

Respondent INEOS Styrolution America LLC
Case ID No. 62856
Reg. Ent. Reference No. RN100542224
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)	\$50,000	2-Nov-2021	1-May-2022	0.49	\$1,233	n/a	\$1,233

Notes for DELAYED costs

Estimated cost to replace the benzene pipeline in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369573. 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

\$50,000

TOTAL

\$1,233

Screening Date	6-Sep-2022	Docket No.	2022-1110-AIR-E	PCW
Respondent	INEOS Styrolution America LLC			Policy Revision 5 (January 28, 2021)
Case ID No.	62856			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100542224			
Media	Air			
Enf. Coordinator	Desmond Martin			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 5252, SC No. 1, FOP No. O1625, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 18.30 lbs of carbon monoxide, 3.00 lbs of nitrogen oxides ("NOx"), and 58.00 lbs of VOC from the Flare, Emissions Point Number ("EPN") FL, during an emissions event (Incident No. 369731) that occurred on November 8, 2021 and lasted 15 hours.			
	Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix				
OR		Harm		
	Release	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 did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	Adjustment	\$17,500		
		\$7,500		
>> Violation Events				
	Number of Violation Events	1	1	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
	Violation Base Penalty \$7,500			
	One monthly event is recommended.			
>> Good Faith Efforts to Comply				
		10.0%		Reduction \$750
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent completed the corrective measures by May 31, 2024, after the NOE dated August 18, 2022.		
	Violation Subtotal	\$6,750		
>> Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$3,202	Violation Final Penalty Total	\$11,625
	This violation Final Assessed Penalty (adjusted for limits)			\$11,625

Economic Benefit Worksheet

Respondent INEOS Styrolution America LLC
Case ID No. 62856
Reg. Ent. Reference No. RN100542224
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)	\$25,000	8-Nov-2021	31-May-2024	2.56	\$3,202	n/a	\$3,202

Notes for DELAYED costs

Estimated cost to overhaul Vent Gas Compressor PC-271B with an upgraded instrumentation and control system, overhaul Vent Gas Compressors PC-271A and PC-271C, and replace the Seal Gas Pressure Switches for the Vent Gas Compressor PC-271B in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369731. 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

\$25,000

TOTAL

\$3,202

Screening Date 6-Sep-2022 Respondent INEOS Styrolution America LLC Case ID No. 62856 Reg. Ent. Reference No. RN100542224 Media Air Enf. Coordinator Desmond Martin	Docket No. 2022-1110-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 5252, SC Nos. 1 and 7.A.(1), FOP No. 01625, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to comply with the maximum allowable emissions rate ("MAER") and concentration limit. Specifically, the Respondent exceeded the NOx MAER of 2.34 pounds per hour ("lbs/hr") by a range of 0.0001 lb/hr to 2.54 lbs/hr for a total of 768 hours on 53 days from June 9, 2022 to August 4, 2022 and exceeded the NOx concentration limit of 10 parts per million by volume on a dry basis ("ppmvd") corrected to 3.0 percent oxygen on an hourly average by a range from 0.09 ppmvd to 62.77 ppmvd for a total of 1,714 hours on 75 days from June 3, 2022 through August 16, 2022 for Superheater HS-220, EPN 220, resulting in 193.95 lbs of unauthorized NOx emissions.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Adjustment	\$17,500
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Adjustment	\$7,500
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Violation Events

Number of Violation Events	1	75	Number of violation days
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daily		Violation Base Penalty
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

One quarterly event is recommended for the instances of non-compliance that occurred from June 3, 2022 through August 16, 2022.	
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Good Faith Efforts to Comply

25.0%		Reduction
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective measures on September 22, 2022, prior to the NOE dated November 30, 2023.	

Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$380	Statutory Limit Test
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Violation Final Penalty Total	\$10,500
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This violation Final Assessed Penalty (adjusted for limits)	\$10,500
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Economic Benefit Worksheet

Respondent INEOS Styrolution America LLC
Case ID No. 62856
Reg. Ent. Reference No. RN100542224
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	3-Jun-2022	22-Sep-2022	0.30	\$380	n/a	\$380

Notes for DELAYED costs

Estimated cost to repair and reinstall the damper actuator in order to comply with the NOx hourly MAER and NOx concentration limit for Superheater HS-220, EPN 220. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$380

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN603252479, RN100542224, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603252479, INEOS Styrolution America LLC	Classification:	SATISFACTORY	Rating:	15.19
Regulated Entity:	RN100542224, Bayport Facility	Classification:	SATISFACTORY	Rating:	13.86
Complexity Points:	14	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	12222 Port Drive, Pasadena, Harris County, Texas				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG3307M

AIR NEW SOURCE PERMITS PERMIT 5252

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG3307M

AIR NEW SOURCE PERMITS REGISTRATION 23515

AIR NEW SOURCE PERMITS REGISTRATION 89124

AIR NEW SOURCE PERMITS REGISTRATION 94114

AIR NEW SOURCE PERMITS REGISTRATION 114165

AIR NEW SOURCE PERMITS REGISTRATION 151069

AIR NEW SOURCE PERMITS REGISTRATION 167423

AIR NEW SOURCE PERMITS REGISTRATION 164616

AIR NEW SOURCE PERMITS PERMIT 150950

AIR NEW SOURCE PERMITS REGISTRATION 172279

AIR NEW SOURCE PERMITS REGISTRATION 174454

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG3307M

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD987985678

TAX RELIEF ID NUMBER 24522

TAX RELIEF ID NUMBER 24517

TAX RELIEF ID NUMBER 24521

TAX RELIEF ID NUMBER 24520

AIR OPERATING PERMITS PERMIT 1625

AIR NEW SOURCE PERMITS REGISTRATION 76216

AIR NEW SOURCE PERMITS AFS NUM 4820101296

AIR NEW SOURCE PERMITS REGISTRATION 55768

AIR NEW SOURCE PERMITS REGISTRATION 91703

AIR NEW SOURCE PERMITS REGISTRATION 112233

AIR NEW SOURCE PERMITS REGISTRATION 112232

AIR NEW SOURCE PERMITS REGISTRATION 151153

AIR NEW SOURCE PERMITS REGISTRATION 168481

AIR NEW SOURCE PERMITS PERMIT AMOC171

AIR NEW SOURCE PERMITS REGISTRATION 173796

AIR NEW SOURCE PERMITS REGISTRATION 175935

STORMWATER PERMIT TXR05BG12

POLLUTION PREVENTION PLANNING ID NUMBER P00330

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 39186

TAX RELIEF ID NUMBER 24519

TAX RELIEF ID NUMBER 24516

TAX RELIEF ID NUMBER 24518

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: June 11, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 11, 2019 to June 11, 2024

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

Name: Desmond Martin

Phone: (512) 239-2814

Site and Owner/Operator History:

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

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

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

- | | | |
|---|--|--|
| 1 | Effective Date: 10/06/2020 | ADMINORDER 2020-0312-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) | |

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1625, ST&C 1A PERMIT
NSR 5252, Special Condition 8A PERMIT
NSR 5252, Special Condition 8C PERMIT

Description: Failed to prevent unauthorized emissions and failed to operate a flare with no visible emissions, except for periods not to exceed a total of five minutes during any two consecutive hours

2 Effective Date: 11/29/2021 ADMINORDER 2020-1475-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: GTC & STC No. 14 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. The Respondent released 25.8 pounds of volatile organic compounds from the Flare, Emissions Point Number ("EPN") FL, during an emissions event (Incident No. 283476) that began on May 8, 2018 and lasted 26 hours. The emissions event occurred when a transformer exploded at a third-party power supplier that caused a power blip, the shutdown of several pumps, and the activation of the Emergency Shutdown System, resulting in flaring

Classification: Major

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: GTC & STC No. 14 OP
Special Condition 1 PERMIT

Description: Failed to comply with the maximum allowable emissions rates. The Respondent exceeded the NOx MAER of 6.44 tpy based on a 12-month rolling period for the 12-month periods ending from August 2019 through November 2019 and the CO MAER of 32.80 tpy based on a 12-month rolling period for the 12-month periods ending from August 2019 through February 2020 for the Flare, EPN FL, resulting in the unauthorized release of approximately 0.24 ton of NOx and 9.95 tons of CO.

3 Effective Date: 07/26/2022 ADMINORDER 2021-0343-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: GTC and STC No. 12 OP
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emission to the atmosphere during an emission event that was discovered on December 8, 2017, TCEQ/STEERS Incident No. 274174. [Category A12.i.(6)]

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 24, 2019	(1517095)
Item 2	August 07, 2020	(1665624)
Item 3	November 06, 2020	(1685738)
Item 4	November 24, 2020	(1691195)
Item 5	December 16, 2020	(1686318)
Item 6	May 05, 2021	(1691084)
Item 7	July 16, 2021	(1685554)
Item 8	March 31, 2022	(1797571)
Item 9	September 08, 2022	(1841450)
Item 10	February 15, 2023	(1873277)

Item 11	February 22, 2023	(1873225)
Item 12	March 28, 2023	(1893526)
Item 13	December 05, 2023	(1931475)
Item 14	February 16, 2024	(1961259)

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:	11/30/2023	(1924909)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition 19E PERMIT Special Term and Condition 14 OP		
	Description:	Failure to prevent open-ended lines (OELs) (EPN: FUG-VOC) (Category C10).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(2) 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 an exceedance of the ammonia (NH3) concentration limit for Superheater (EPN: HS-220) (Category B13).		
	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 15 PERMIT Special Term and Condition 14 OP		
	Description:	Failure to maintain catalytic thermal oxidizer inlet temperatures within the permitted temperature range (EPN: CTOVENT) (Category B13).		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

30 TAC Chapter 115, SubChapter D 115.352(2)
 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 63.174(d)
 5C THSC Chapter 382 382.085(b)
 Special Condition 19I PERMIT
 Special Term and Condition 12 PERMIT
 Special Term and Condition 1A PERMIT
 Description: Failure to repair an LDAR component (Component EB6840-000) leak within 15 days of discovery. (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)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15 PERMIT
 Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the permitted temperature for the catalytic thermal oxidizer (EPN: CTOVENT). (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)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15 PERMIT
 Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the permitted temperature for the catalytic thermal oxidizer (EPN: CTOTANK). (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)
 5C THSC Chapter 382 382.085(b)
 Special Conditions 7A(1) PERMIT
 Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of nitrogen oxide (NOx) concentration limit for the Superheater HS-220 (EPN: 220). (Category C4)

4 Date: 05/14/2021 (1691943)
 Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 12 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during emissions event incident 299598.

5 Date: 04/07/2022 (1756979)
 Self Report? NO Classification: Minor
 Citation:

30 TAC Chapter 101, SubChapter H 101.359(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1G(v) PERMIT

Description: Failure to submit the 2019 annual mass emission cap and trade compliance report within the required deadline. (Category B3)

Self Report? NO Classification: Minor
 Citation:

30 TAC Chapter 101, SubChapter H 101.400(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1I(v) PERMIT

Description: Failure to submit the 2019 annual highly reactive volatile organic compound emissions cap and trade compliance report within the required deadline.

(Category B3)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19E PERMIT
Special Term and Condition 12 PERMIT
Special Term and Condition 1A PERMIT

Description: Failure to prevent open-ended lines (OELs) for the fugitive area (EPN: FUG-VOC). (Category C10)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter H 115.725(d)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 12 PERMIT

Description: Failure to calibrate the flare (EPN: FL) pressure transmitter annually. (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)
5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the carbon monoxide (CO) concentration limit for Boiler HB-301-A (EPN: 301-A). (Category B13)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11A PERMIT
Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the nitrogen oxide (NOx) concentration limit for Boiler HB-301-B (EPN: 301-B). (Category B13)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the nitrogen oxide (NOx) concentration limit for Boiler HB-301-A (EPN: 301-A). (Category B13)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the carbon monoxide (CO) concentration limit for Boiler HB-301-B (EPN: 301-B). (Category B13)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7A(1) PERMIT
Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the nitrogen oxide (NOx) concentration limit for Superheater HS-220 (EPN: 220). (Category B13)

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 117, SubChapter B 117.310(c)(2)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 12 PERMIT

Description: Failure to prevent an exceedance of the ammonia (NH3) concentration limit for Superheater HS-220 (EPN: 220). (Category B13)

6*

Date: 02/28/2023 (1842115)

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)
O1625 OP
SC 15 PERMIT

Description: Failure to maintain catalytic thermal oxidizer inlet temperatures within the permitted temperature range. Category B13

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 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)
5C THSC Chapter 382 382.085(b)
SC 3E PERMIT
ST&C 12 OP

Description: Failure to operate control device for benzene containing wastewater streams. Category B13.

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)
SC 11 PERMIT
ST&C 12 OP

Description: Failure to prevent Carbon Monoxide (CO) and Nitrogen Oxides (NOX) emission limit exceedances of Boiler HB-301-A (EPN 301-A). Category B13

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)
SC 11 PERMIT
ST&C 12 OP

Description: Failure to prevent Carbon Monoxide (CO) and Nitrogen Oxides (NOX) emission limit exceedances of Boiler HB-301-B (EPN 301-B). Category B13.

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 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
SC 19E PERMIT
ST&C 12 OP

Description: Failure to equip open-ended lines (OELs) with a cap, plug, flange or second valve. Category C10

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 20F PERMIT
ST&C 12 ORDER

Description: Failure to tag and identify a component for leak detection and repair (LDAR) monitoring. Category C1

7

Date: 11/30/2023 (1924909)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

	5C THSC Chapter 382 382.085(b) Special Condition 19E PERMIT Special Term and Condition 14 OP		
Description:	Failure to prevent open-ended lines (OELs) (EPN: FUG-VOC) (Category C10).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(2) 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 an exceedance of the ammonia (NH3) concentration limit for Superheater (EPN: HS-220) (Category B13).		
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 15 PERMIT Special Term and Condition 14 OP		
Description:	Failure to maintain catalytic thermal oxidizer inlet temperatures within the permitted temperature range (EPN: CTOVENT) (Category B13).		

* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period June 11, 2019 and June 11, 2024

Item 1	August 16, 2019**	(1518814)
Item 2*	October 24, 2019**	(1517095)
Item 3	January 08, 2020**	(1613010)
Item 4	February 14, 2020**	(1582756)
Item 5	June 30, 2020**	(1592247)
Item 6*	August 07, 2020**	(1665624)
Item 7	October 02, 2020**	(1677989)
Item 8	October 23, 2020**	(1506976)
Item 9*	November 06, 2020**	(1685738)
Item 10	November 20, 2020**	(1672644)
Item 11*	November 24, 2020**	(1691195)
Item 12*	December 16, 2020**	(1686318)
Item 13	February 05, 2021**	(1478366)
Item 14*	May 05, 2021**	(1691084)
Item 15	May 16, 2021**	(1691943)
Item 16*	July 16, 2021**	(1685554)
Item 17	August 03, 2021**	(1690111)
Item 18*	March 31, 2022**	(1797571)
Item 19	April 07, 2022**	(1756979)
Item 20	August 18, 2022**	(1707564)
Item 21*	September 08, 2022**	(1841450)
Item 22*	February 15, 2023**	(1873277)
Item 23*	February 22, 2023**	(1873225)
Item 24	February 28, 2023**	(1842115)
Item 25*	March 28, 2023**	(1893526)
Item 26	November 30, 2023	(1924909)
Item 27*	December 05, 2023	(1931475)
Item 28*	February 16, 2024	(1961259)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INEOS STYROLUTION AMERICA LLC
RN100542224

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

AGREED ORDER DOCKET NO. 2022-1110-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 12222 Port Drive in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$32,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$13,050 of the penalty and \$6,525 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$13,050 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By May 1, 2022, replaced the benzene pipeline in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369573;
 - b. By September 22, 2022, repaired and reinstalled the damper actuator in order to comply with the nitrogen oxides ("NOx") hourly maximum allowable emissions rate ("MAER") and NOx concentration limit for Superheater HS-220, Emissions Point Number ("EPN") 220; and
 - c. By May 31, 2024, overhauled Vent Gas Compressor PC-271B with an upgraded instrumentation and control system, overhauled Vent Gas Compressors PC-271A and PC-271C, and replaced the Seal Gas Pressure Switches for the Vent Gas Compressor PC-271B in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369731.

II. ALLEGATIONS

1. During a record review for the Plant conducted from November 12, 2021 through April 20, 2022, 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 No. 5252, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01625, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 26.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 369573) that occurred on November 2, 2021 and lasted seven hours and 30 minutes.
2. During a record review for the Plant conducted from November 18, 2021 through February 8, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 5252, SC No. 1, FOP No. 01625, GTC and STC No. 12, and

TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 18.30 lbs of carbon monoxide, 3.00 lbs of NOx, and 58.00 lbs of VOC from the Flare, EPN FL, during an emissions event (Incident No. 369731) that occurred on November 8, 2021 and lasted 15 hours.

3. During a record review for the Plant conducted from August 24, 2023 through October 25, 2023, an investigator documented that the Respondent failed to comply with the MAER and concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 5252, SC Nos. 1 and 7.A.(1), FOP No. O1625, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 2.34 pounds per hour ("lbs/hr") by a range of 0.0001 lb/hr to 2.54 lbs/hr for a total of 768 hours on 53 days from June 9, 2022 to August 4, 2022 and exceeded the NOx concentration limit of 10 parts per million by volume on a dry basis ("ppmvd") corrected to 3.0 percent oxygen on an hourly average by a range from 0.09 ppmvd to 62.77 ppmvd for a total of 1,714 hours on 75 days from June 3, 2022 through August 16, 2022 for Superheater HS-220, EPN 220, resulting in 193.95 lbs of unauthorized NOx emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS Styrolution America LLC, Docket No. 2022-1110-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$13,050 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.

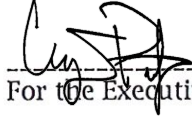
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. 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.
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



9/26/2024

For the Executive Director


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

8/7/24

Date

TERRENCE TREVINO

Name (Printed or typed)

8/7/24

Title

Authorized Representative of
INEOS Styrolution America LLC

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

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

Attachment A
Docket Number: 2022-1110-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS Styrolution America LLC
Payable Penalty Amount:	\$26,100
SEP Offset Amount:	\$13,050
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards.

Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council-AERCO
Emission Reduction Credit Corporation
Attn: Air Quality Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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