

Executive Summary – Enforcement Matter – Case No. 63406

**INEOS Americas LLC
RN100213958
Docket No. 2022-1655-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

INEOS Americas Pasadena Site, 3503 Pasadena Freeway, 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: August 23, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$260,475

Amount Deferred for Expedited Settlement: \$52,095

Total Paid to General Revenue: \$104,190

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$104,190

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 12, 2022 through October 10, 2022

Date(s) of NOE(s): November 23, 2022

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INEOS Americas LLC

RN100213958

Docket No. 2022-1655-AIR-E

Violation Information

1. Failed to comply with the concentration limits. Specifically, the Respondent exceeded the carbon monoxide ("CO") concentration limit of 100 parts per million by volume dry ("ppmvd") based at 7.0 percent ("%") stack gas oxygen ("O₂") on a rolling hour average by a range from 4.0 ppmvd to 703.0 ppmvd for a total of 17 hours on six days from September 19, 2021 to March 27, 2022 and exceeded the nitrogen oxides ("NO_x") concentration limit of 13.0 ppmvd based at 7.0% O₂ on a rolling hourly average by a range from 1.0 ppmvd to 583.0 ppmvd for a total of 201 hours on 17 days from September 15, 2021 to March 27, 2022 for the Hot Oil Heater, Emissions Point Number ("EPN") 12 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4825A, Special Conditions ("SC") No. 8, Federal Operating Permit ("FOP") No. O1621, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 3.78 pounds per hour ("lbs/hr") by a range of 0.002 lb/hr to 135.24 lbs/hr for a total of 835 hours on 123 days from May 24, 2021 to May 23, 2022 for the Flare, EPN 11, resulting in 11,903.02 lbs of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 4825A, SC No. 1, FOP No. O1621, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Implement measures designed to comply with the CO and NO_x concentration limits for the Hot Oil Heater, EPN 12; and

ii. Implement measures designed to comply with the VOC hourly MAER for the Flare, EPN 11, and/or submit an administratively complete amendment application for NSR Permit No. 4825A to increase the VOC hourly MAER for the Flare, EPN 11.

Executive Summary – Enforcement Matter – Case No. 63406

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RN100213958
Docket No. 2022-1655-AIR-E**

- b. If a permit amendment application has been submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit No. 4825A by any deadline specified in writing.
- c. Within 45 days, submit written certification to demonstrate compliance with a.
- d. If a permit amendment application has been submitted, within 180 days, submit written certification to demonstrate that either the amendment for NSR Permit No. 4825A has been obtained or operations have ceased until the authorization is obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; 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: Texas City Independent School District SEP, 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Michael Meyer, Site Manager, INEOS Americas LLC, P.O. Box 1959, Pasadena, Texas 77501

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Nov-2022	Screening	1-Dec-2022	EPA Due	30-May-2023
	PCW	13-Jul-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	INEOS Americas LLC				
Reg. Ent. Ref. No.	RN100213958				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	63406	No. of Violations	2
Docket No.	2022-1655-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		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	\$172,500
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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	51.0%	Adjustment	Subtotals 2, 3, & 7	\$87,975
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Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for one Notice of Intent to conduct an audit.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$3,702
Estimated Cost of Compliance \$20,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$260,475
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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	\$260,475
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$260,475
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DEFERRAL	20.0%	Reduction	Adjustment	-\$52,095
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$208,380
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Screening Date	1-Dec-2022	Docket No.	2022-1655-AIR-E	PCW
Respondent	INEOS Americas LLC			
Case ID No.	63406			
Reg. Ent. Reference No.	RN100213958			
Media	Air			
Enf. Coordinator	Johnnie Wu			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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) 51%

>> 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, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for one Notice of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 51%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 51%

Screening Date	1-Dec-2022	Docket No.	2022-1655-AIR-E	PCW	
Respondent	INEOS Americas LLC				Policy Revision 5 (January 28, 2021)
Case ID No.	63406				PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100213958				
Media	Air				
Enf. Coordinator	Johnnie Wu				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4825A, Special Conditions ("SC") No. 8, Federal Operating Permit ("FOP") No. 01621, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	<p>Failed to comply with the concentration limits. Specifically, the Respondent exceeded the carbon monoxide ("CO") concentration limit of 100 parts per million by volume dry ("ppmvd") based at 7.0 percent ("%") stack gas oxygen ("O2") on a rolling hour average by a range from 4.0 ppmvd to 703.0 ppmvd for a total of 17 hours on six days from September 19, 2021 to March 27, 2022 and exceeded the nitrogen oxides ("NOx") concentration limit of 13.0 ppmvd based at 7.0% O2 on a rolling hourly average by a range from 1.0 ppmvd to 583.0 ppmvd for a total of 201 hours on 17 days from September 15, 2021 to March 27, 2022 for the Hot Oil Heater, Emissions Point Number ("EPN") 12.</p>				
		Base Penalty	\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				
				Percent	30.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
				Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that 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	3	17	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
				Violation Base Penalty	\$22,500
	Three monthly events are recommended for the instances of non-compliance that occurred from September 15, 2021 to October 6, 2021, on February 4, 2022, and from March 23, 2022 to March 27, 2022.				
Good Faith Efforts to Comply		0.0%	Reduction		\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$22,500		
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$1,773	Violation Final Penalty Total	\$33,975	
	This violation Final Assessed Penalty (adjusted for limits)			\$33,975	

Economic Benefit Worksheet

Respondent INEOS Americas LLC
Case ID No. 63406
Reg. Ent. Reference No. RN100213958
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	15-Sep-2021	1-Apr-2025	3.55	\$1,773	n/a	\$1,773

Notes for DELAYED costs

Estimated cost to implement measures designed to comply with the CO and NOx concentration limits for the Hot Oil Heater, EPN 12. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,773

Screening Date 1-Dec-2022 Respondent INEOS Americas LLC Case ID No. 63406 Reg. Ent. Reference No. RN100213958 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2022-1655-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 4825A, SC No. 1, FOP No. O1621, GTC and STC No. 18, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 3.78 pounds per hour ("lbs/hr") by a range of 0.002 lb/hr to 135.24 lbs/hr for a total of 835 hours on 123 days from May 24, 2021 to May 23, 2022 for the Flare, EPN 11, resulting in 11,903.02 lbs of unauthorized VOC emissions.		

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events	12	123	Number of violation days
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	daily		Violation Base Penalty \$150,000
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Twelve monthly events are recommended for the instances of non-compliance that occurred from May 24, 2021 to May 23, 2022.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$150,000

Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,929
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Statutory Limit Test

Violation Final Penalty Total	\$226,500
This violation Final Assessed Penalty (adjusted for limits)	\$226,500

Economic Benefit Worksheet

Respondent INEOS Americas LLC
Case ID No. 63406
Reg. Ent. Reference No. RN100213958
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-May-2021	1-Apr-2025	3.86	\$1,929	n/a	\$1,929

Notes for DELAYED costs

Estimated cost to implement measures designed to comply with the VOC hourly MAER for the Flare, EPN 11. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,929

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Compliance History Report

Compliance History Report for CN602805236, RN100213958, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN602805236, INEOS Americas LLC **Classification:** SATISFACTORY **Rating:** 6.97

Regulated Entity: RN100213958, INEOS AMERICAS PASADENA SITE **Classification:** SATISFACTORY **Rating:** 6.97

Complexity Points: 23 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 3503 PASADENA FREEWAY, PASADENA, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0276T

AIR NEW SOURCE PERMITS PERMIT 4825A

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0276T

AIR NEW SOURCE PERMITS REGISTRATION 133385

AIR NEW SOURCE PERMITS REGISTRATION 111781

AIR NEW SOURCE PERMITS REGISTRATION 158358

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 86858

STORMWATER PERMIT TXR05CO53

WASTEWATER EPA ID TX0072320

POLLUTION PREVENTION PLANNING ID NUMBER P00268

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31608

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: May 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 01, 2019 to May 01, 2024

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

Name: Johnnie Wu

Phone: (512) 239-2524

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? YES
- 3) Who is the current owner/operator?
Westlake Chemicals & Vinyls Llc OWNER OPERATOR since 1/1/1800
Silver Eagle Distributors Houston, LLC OWNER OPERATOR since 7/1/2019
Georgia Gulf Chemicals & Vinyls LLC OWNER OPERATOR since 1/1/1800
Westlake Chlor-Vinyls Corporation OWNER OPERATOR since 9/2/1986
INEOS Americas LLC OWNER OPERATOR since 9/30/2015
- 4) Who was/were the prior owner(s)/operator(s)?
Silver Eagle Distributors, L.P., OWNER, 10/10/2014 to 6/30/2019
NAU, JOHN L, OWNER, 5/16/2014 to 6/30/2019

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

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

- 1 Effective Date: 01/21/2020 ADMINORDER 2018-1538-AIR-E (1660 Order-Agreed Order With Denial)
- Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: FOP No. O1621 GTC and STC No. 2.F PERMIT
- Description: Failure to submit the initial notification for an emissions event within 24 hours after discovery (Category B3).
- Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: FOP No. O1621 GTC and STC No. 19 OP
NSR SC 1 PERMIT
- Description: Failure to prevent unauthorized emissions. Specifically, INEOS failed to prevent emissions from the cooling tower due to corrosion (Category A12.i.(6)).
- Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: FOP No. O1621 GTC and STC No. 2.F OP
- Description: Failure to accurately represent the total quantity of emissions during an emissions event (Category C3).
- 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)
- Rqmt Prov: General Terms & Conditions OP
- Description: Failure to submit the DRs within 30 days of the end of the reporting period. (Category A12.i.(7))
- 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: NSR Permit No. 4825A SC No. 1 PERMIT
Special Term & Condition (ST&C) 19 OP
- Description: Failure to prevent the significant exceedance of the Volatile Organic Compound (VOC) limits listed on the Maximum Allowable Emission Rates Table (MAERT). (Category A12.i.(6))
- 2 Effective Date: 07/27/2023 ADMINORDER 2021-1233-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Major
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: FOP 1621, GTC OP
FOP 1621, STC No. 19 OP
Special Condition 1 PERMIT
- Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 32,336.00 pounds of volatile organic compounds from Cumene Tank T-4, Emissions Point Number ("EPN") 5, and released 82,533.00 lbs of VOC from Cumene Tank T-5, EPN 6, during an emissions event (Incident No. 287676) that began on July 4, 2018 and lasted 68 hours. The emissions event occurred due to corrosion in the seal area for the check mate valves for both tanks that caused blockages and did not properly allow rain

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 17, 2019	(1585078)
Item 2	June 20, 2019	(1585079)
Item 3	July 18, 2019	(1594097)
Item 4	September 19, 2019	(1607285)
Item 5	October 18, 2019	(1614141)
Item 6	December 18, 2019	(1627312)
Item 7	January 20, 2020	(1634947)
Item 8	February 19, 2020	(1641561)
Item 9	March 19, 2020	(1648074)
Item 10	April 17, 2020	(1654423)
Item 11	May 19, 2020	(1660987)
Item 12	June 19, 2020	(1667520)
Item 13	July 20, 2020	(1674472)
Item 14	August 18, 2020	(1681244)
Item 15	September 20, 2020	(1687813)
Item 16	October 19, 2020	(1694162)
Item 17	November 17, 2020	(1715134)
Item 18	December 18, 2020	(1715135)
Item 19	January 19, 2021	(1715136)
Item 20	February 19, 2021	(1728199)
Item 21	March 01, 2021	(1692258)
Item 22	March 19, 2021	(1728200)
Item 23	March 23, 2021	(1705464)
Item 24	April 20, 2021	(1728201)
Item 25	May 20, 2021	(1741394)
Item 26	June 17, 2021	(1748053)
Item 27	July 19, 2021	(1752593)
Item 28	August 20, 2021	(1758012)
Item 29	September 17, 2021	(1767257)
Item 30	October 19, 2021	(1777719)
Item 31	November 12, 2021	(1770888)
Item 32	November 22, 2021	(1784518)
Item 33	December 16, 2021	(1791548)
Item 34	January 20, 2022	(1799390)
Item 35	February 16, 2022	(1807208)
Item 36	March 18, 2022	(1814274)
Item 37	April 20, 2022	(1820846)
Item 38	May 19, 2022	(1829678)
Item 39	June 17, 2022	(1835977)
Item 40	July 19, 2022	(1843176)
Item 41	August 18, 2022	(1849344)
Item 42	September 19, 2022	(1857106)
Item 43	October 19, 2022	(1863462)
Item 44	November 18, 2022	(1870376)
Item 45	December 20, 2022	(1876227)
Item 46	January 19, 2023	(1883044)
Item 47	February 21, 2023	(1890853)
Item 48	March 20, 2023	(1899424)
Item 49	April 19, 2023	(1906227)
Item 50	May 19, 2023	(1913383)
Item 51	June 28, 2023	(1919991)
Item 52	July 26, 2023	(1926959)
Item 53	August 10, 2023	(1917245)
Item 54	August 21, 2023	(1923453)
Item 55	October 23, 2023	(1946901)
Item 56	October 30, 2023	(1924399)
Item 57	November 21, 2023	(1952590)
Item 58	December 19, 2023	(1962361)
Item 59	January 19, 2024	(1968951)
Item 60	February 19, 2024	(1978016)

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: 08/31/2023 (1940060)
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: 02/23/2024 (1944549)
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 38A(4)(e) PERMIT
 Special Term and Condition 18 OP
Description: Failure to prevent exceedance of the annual degassing and steaming duration
 limit for Process Vessel V-61A and Process Vessel V-61B (EPN: 11b_Maint).
 (Category B18(g)(1))
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 40A PERMIT
 Special Term and Condition 18 OP
Description: Failure to prevent exceedance of the maintenance, startup, and shutdown
 (MSS) event duration limit for Hot Oil Heater (EPN: 12_Maint). (Category
 B18(g)(1))
Self Report? NO Classification: Minor
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 instances of deviations for the reporting period of May 24,
 2022 through November 23, 2022. (Category C3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1G(v) OP
Description: Failure to submit Mass Emissions Cap and Trade (MECT) Annual Compliance
 Report within the required time frame. (Category B3)

F. Environmental audits:

Notice of Intent Date: 03/18/2024 (1974624)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INEOS AMERICAS LLC
RN100213958

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

AGREED ORDER DOCKET NO. 2022-1655-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 Americas 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 3503 Pasadena Freeway 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 \$260,475 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$104,190 of the penalty and \$52,095 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, \$104,190 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.

II. ALLEGATIONS

During a record review for the Plant conducted from September 12, 2022 through October 10, 2022, an investigator documented that the Respondent:

1. Failed to comply with the concentration limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4825A, Special Conditions ("SC") No. 8, Federal Operating Permit ("FOP") No. O1621, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the carbon monoxide ("CO") concentration limit of 100 parts per million by volume dry ("ppmvd") based at 7.0 percent ("%") stack gas oxygen ("O2") on a rolling hour average by a range from 4.0 ppmvd to 703.0 ppmvd for a total of 17 hours on six days from September 19, 2021 to March 27, 2022 and exceeded the nitrogen oxides ("NOx") concentration limit of 13.0 ppmvd based at 7.0% O2 on a rolling hourly average by a range from 1.0 ppmvd to 583.0 ppmvd for a total of 201 hours on 17 days from September 15, 2021 to March 27, 2022 for the Hot Oil Heater, Emissions Point Number ("EPN") 12.
2. Failed to comply with the maximum allowable emissions rate ("MAER"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 4825A, SC No. 1, FOP No. O1621, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 3.78 pounds per hour ("lbs/hr") by a range of 0.002 lb/hr to 135.24 lbs/hr for a total of 835 hours on 123 days from May 24, 2021 to May 23, 2022 for the Flare, EPN 11, resulting in 11,903.02 lbs of unauthorized VOC 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 Americas LLC, Docket No. 2022-1655-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 \$104,190 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements at the Plant:

- a. Within 30 days after the effective date of this Order:

- i. Implement measures designed to comply with the CO and NO_x concentration limits for the Hot Oil Heater, EPN 12; and
- ii. Implement measures designed to comply with the VOC hourly MAER for the Flare, EPN 11, and/or submit an administratively complete amendment application for NSR Permit No. 4825A to increase the VOC hourly MAER for the Flare, EPN 11, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit amendment application has been submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit No. 4825A by any deadline specified in writing.
- c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.d.

- d. If a permit amendment application has been submitted, within 180 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate that either the amendment for NSR Permit No. 4825A has been obtained or operations have ceased until the authorization is obtained. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

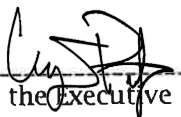
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

9/3/2024

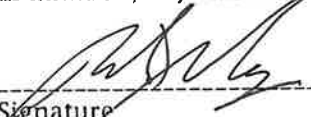
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

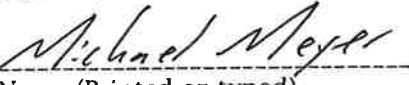
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature



Date



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



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: 2022-1655-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS Americas LLC
Payable Penalty Amount:	\$208,380
SEP Offset Amount:	\$104,190
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas City Independent School District
Project Name:	<i>TCISD Alternative Fuel School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 216: Houston-Galveston

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

1. Project Description

a. Project

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

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

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

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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