

Executive Summary – Enforcement Matter – Case No. 62899

INEOS USA LLC

RN100238708

Docket No. 2023-0064-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chocolate Bayou Plant, located approximately two miles south of the Farm-to-Market Road 2917 and Farm-to-Market Road 2004 intersection, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2021-0473-AIR-E, 2021-0818-AIR-E, 2022-1565-AIR-E, and 2023-0132-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 5, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,050

Amount Deferred for Expedited Settlement: \$2,010

Total Paid to General Revenue: \$8,040

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 25, 2021 through July 2, 2021

Date(s) of NOE(s): October 14, 2021

Executive Summary – Enforcement Matter – Case No. 62899

INEOS USA LLC

RN100238708

Docket No. 2023-0064-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 233.52 pounds of nitrogen oxides from Cogen, Emissions Point Number A-100, during an emissions event (Incident No. 321895) that began on September 29, 2019 and lasted nine hours. The emissions event occurred due to the misfiring of spark plugs and debris from the atmosphere or air inlet system being sucked into the air inlet and passing through the turbine compressor which caused the debris to be superheated after passing through the compressor and causing the fuel in the primary burners to re-ignite and the Co Gen Unit to go into lean-lean positive mode, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and the emissions could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 95 and PSDTX854M2, Special Conditions No. 2, Federal Operating Permit No. O2327, General Terms and Conditions and Special Terms and Conditions No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 321895; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

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

Respondent: Cathy Culpepper, Site Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512-1488

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Oct-2021	Screening	28-Oct-2021	EPA Due	
	PCW	9-Mar-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	INEOS USA LLC
Reg. Ent. Ref. No.	RN100238708
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62899	No. of Violations	1
Docket No.	2023-0064-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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	\$7,500
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	34.0% Adjustment	Subtotals 2, 3, & 7	\$2,550
---------------------------	-------------------------	--------------------------------	----------------

Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	------------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	--------------------------	-------------------	------------

Total EB Amounts: \$2,004
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,050
-----------------------------	-----------------------	-----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
---	------------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,050
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,050
-----------------------------------	-------------------------------	-----------------

DEFERRAL	20.0% Reduction	Adjustment	-\$2,010
-----------------	------------------------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,040
------------------------	----------------

Screening Date 28-Oct-2021

Docket No. 2023-0064-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62899

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100238708

Media Air

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 34%

>> 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 three NOVs with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 34%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 34%

Screening Date 28-Oct-2021
Respondent INEOS USA LLC
Case ID No. 62899
Reg. Ent. Reference No. RN100238708
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2023-0064-AIR-E

PCW

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

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 95 and PSDTX854M2, Special Conditions No. 2, Federal Operating Permit No. O2327, General Terms and Conditions and Special Terms and Conditions No. 26, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 233.52 pounds of nitrogen oxides from the Cogeneration Turbine, Emissions Point Number A-100, during an emissions event (Incident No. 321895) that began on September 29, 2019 and lasted nine hours. The emissions event occurred due to the misfiring of spark plugs and debris from the atmosphere or air inlet system being sucked into the air inlet and passing through the turbine compressor that caused the Cogeneration Unit to unexpectedly change to the lean-lean positive mode to continue operation and support the steam demand for the Plant, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,004

Violation Final Penalty Total \$10,050

This violation Final Assessed Penalty (adjusted for limits) \$10,050

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 62899
Reg. Ent. Reference No. RN100238708
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	29-Sep-2019	1-Oct-2023	4.01	\$2,004	n/a	\$2,004

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 321895. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,004



Compliance History Report

Compliance History Report for CN602817884, RN100238708, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN602817884, INEOS USA LLC

Classification: SATISFACTORY

Rating: 4.11

Regulated Entity: RN100238708, CHOCOLATE BAYOU PLANT

Classification: SATISFACTORY

Rating: 6.88

Complexity Points: 37

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 15926 Farm-to-Market Road 2004, near Alvin, Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL0002S

AIR OPERATING PERMITS PERMIT 2327

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200132

AIR NEW SOURCE PERMITS PERMIT 101

AIR NEW SOURCE PERMITS REGISTRATION 12953

AIR NEW SOURCE PERMITS REGISTRATION 10465

AIR NEW SOURCE PERMITS REGISTRATION 11060

AIR NEW SOURCE PERMITS REGISTRATION 12136

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0002S

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX854

AIR NEW SOURCE PERMITS PERMIT 491A

AIR NEW SOURCE PERMITS PERMIT 4882

AIR NEW SOURCE PERMITS PERMIT 19868

AIR NEW SOURCE PERMITS REGISTRATION 48637

AIR NEW SOURCE PERMITS REGISTRATION 74968

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX793

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX854M2

AIR NEW SOURCE PERMITS REGISTRATION 94567

AIR NEW SOURCE PERMITS REGISTRATION 119368

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642M2

AIR NEW SOURCE PERMITS REGISTRATION 139465

AIR NEW SOURCE PERMITS REGISTRATION 118784

AIR NEW SOURCE PERMITS REGISTRATION 164204

AIR NEW SOURCE PERMITS REGISTRATION 169828

AIR NEW SOURCE PERMITS REGISTRATION 164642

AIR NEW SOURCE PERMITS REGISTRATION 164404

AIR NEW SOURCE PERMITS PERMIT 123117

AIR NEW SOURCE PERMITS REGISTRATION 146149

AIR NEW SOURCE PERMITS REGISTRATION 157335

AIR NEW SOURCE PERMITS REGISTRATION 156143

AIR NEW SOURCE PERMITS REGISTRATION 157279

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30042

STORMWATER PERMIT TXR05DG63

WASTEWATER EPA ID TX0004821

POLLUTION PREVENTION PLANNING ID NUMBER P00028

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30042

TAX RELIEF ID NUMBER 21034

AIR OPERATING PERMITS PERMIT 1353

AIR OPERATING PERMITS PERMIT 3966

AIR NEW SOURCE PERMITS PERMIT 95

AIR NEW SOURCE PERMITS REGISTRATION 75608

AIR NEW SOURCE PERMITS REGISTRATION 75399

AIR NEW SOURCE PERMITS REGISTRATION 10906

AIR NEW SOURCE PERMITS REGISTRATION 11539

AIR NEW SOURCE PERMITS REGISTRATION 12709

AIR NEW SOURCE PERMITS AFS NUM 4803900014

AIR NEW SOURCE PERMITS PERMIT 488A

AIR NEW SOURCE PERMITS REGISTRATION 1041

AIR NEW SOURCE PERMITS PERMIT 7196

AIR NEW SOURCE PERMITS PERMIT 35735

AIR NEW SOURCE PERMITS REGISTRATION 71820

AIR NEW SOURCE PERMITS REGISTRATION 76394

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX983

AIR NEW SOURCE PERMITS REGISTRATION 78483

AIR NEW SOURCE PERMITS REGISTRATION 87813

AIR NEW SOURCE PERMITS PERMIT 97769

AIR NEW SOURCE PERMITS REGISTRATION 131449

AIR NEW SOURCE PERMITS REGISTRATION 109242

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX135

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1460

AIR NEW SOURCE PERMITS PERMIT AMOC195

AIR NEW SOURCE PERMITS REGISTRATION 168626

AIR NEW SOURCE PERMITS REGISTRATION 166365

AIR NEW SOURCE PERMITS REGISTRATION 149467

AIR NEW SOURCE PERMITS REGISTRATION 151128

AIR NEW SOURCE PERMITS REGISTRATION 155199

AIR NEW SOURCE PERMITS REGISTRATION 155412

AIR NEW SOURCE PERMITS REGISTRATION 160686

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 12999

UNDERGROUND INJECTION CONTROL PERMIT 5D0400007

WASTEWATER PERMIT WQ0001333000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0002S

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD050309012

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50121

TAX RELIEF ID NUMBER 23641

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

Date Compliance History Report Prepared: December 22, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 22, 2017 to December 22, 2022

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

Name: Danielle Porras

Phone: (713) 767-3682

Site and Owner/Operator History:

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

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

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

1 Effective Date: 10/21/2019 ADMINORDER 2017-1540-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: STC 1A OP

Description: Failed to install totalizing fuel flow meters with an accuracy of ± 5% on all applicable combustion engines to individually and continuously measure the gas and liquid fuel usage in order to demonstrate continuous compliance with control requirements for NOx in the Houston-Galveston-Brazoria nonattainment area,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 37A PA

STC 19 OP

Description: Failed to conduct fugitive monitoring on 11,782 flanges and connectors in VOC service in accordance with monitoring requirements,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PA

STC 19 PA

Description: Failed to maintain the emissions limit within the maximum allowable emission rate table ("MAERT"), as documented during an investigation conducted on August 1, 2008. Specifically, the Respondent exceeded the Other Source Routine NOx Emissions Cap of 86.91 tons with emissions from October 2006 through September 2007 averaging 170.04 tons.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Special Terms and Conditions No. 18 OP

Description: Failed to maintain the emissions limit within the MAERT, as documented during an investigation conducted on August 1, 2008. Specifically, the Maintenance, Start-up, and Shutdown ("MSS") ethylene emissions for the Olefins #1 and #2 Flares exceeded the rolling limit of 78.75 tpy from January 2007 through February 2007

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition No. 1 PERMIT
 Special Condition No. 18 OP
 Description: Failed to maintain the emissions limit within the MAERT, as documented during an investigation conducted on August 1, 2008. Specifically, the MSS VOC emissions for the Olefins #1 and #2 Flares exceeded the rolling limit of 87.50 tpy from January 2007 through March 2007
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP Special Term & Condition 20 OP
 NSR Special Condition 43H PERMIT
 Description: Failure to operate predictive emissions monitoring systems (PEMS) at least 95 percent of the time for four furnaces (EPNs: DB-104, DDB-101C; DDB-104A, & DDB-104B). [Category C4]
 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: Special Condition 2 PERMIT
 Special Terms and Conditions (ST&C) 20 OP
 Description: Failure to comply with maximum allowable emission rate (MAER) for CO. (Category A8GC2)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 27, 2018	(1448898)
Item 2	August 10, 2018	(1520061)
Item 3	August 13, 2018	(1480055)
Item 4	September 10, 2018	(1527226)
Item 5	October 10, 2018	(1533584)
Item 6	December 21, 2018	(1513574)
Item 7	January 17, 2019	(1538341)
Item 8	January 24, 2019	(1448603)
Item 9	February 08, 2019	(1540184)
Item 10	February 11, 2019	(1540451)
Item 11	February 12, 2019	(1541034)
Item 12	May 08, 2019	(1583209)
Item 13	July 08, 2019	(1593113)
Item 14	August 02, 2019	(1552294)
Item 15	September 11, 2019	(1606364)
Item 16	October 08, 2019	(1613210)
Item 17	December 02, 2019	(1612000)
Item 18	December 11, 2019	(1626376)
Item 19	January 13, 2020	(1634017)
Item 20	February 10, 2020	(1640636)
Item 21	April 09, 2020	(1653492)
Item 22	April 28, 2020	(1640257)
Item 23	May 04, 2020	(1597713)
Item 24	May 12, 2020	(1646363)
Item 25	May 18, 2020	(1660078)
Item 26	June 09, 2020	(1666583)
Item 27	July 14, 2020	(1640012)
Item 28	July 31, 2020	(1651359)
Item 29	August 07, 2020	(1680315)
Item 30	August 25, 2020	(1624754)
Item 31	October 12, 2020	(1693230)
Item 32	November 13, 2020	(1686496)

Item 33	November 30, 2020	(1692122)
Item 34	December 10, 2020	(1757144)
Item 35	January 08, 2021	(1686259)
Item 36	January 12, 2021	(1712385)
Item 37	February 05, 2021	(1725438)
Item 38	February 25, 2021	(1696929)
Item 39	March 11, 2021	(1699415)
Item 40	March 12, 2021	(1725439)
Item 41	April 13, 2021	(1725440)
Item 42	May 14, 2021	(1740030)
Item 43	May 28, 2021	(1711364)
Item 44	June 10, 2021	(1723572)
Item 45	June 11, 2021	(1740031)
Item 46	July 01, 2021	(1735657)
Item 47	July 19, 2021	(1751680)
Item 48	August 02, 2021	(1747394)
Item 49	August 20, 2021	(1745863)
Item 50	August 30, 2021	(1685590)
Item 51	September 01, 2021	(1702300)
Item 52	September 14, 2021	(1690450)
Item 53	September 17, 2021	(1766224)
Item 54	September 23, 2021	(1684041)
Item 55	September 27, 2021	(1692237)
Item 56	October 12, 2021	(1776627)
Item 57	October 31, 2021	(1763655)
Item 58	November 11, 2021	(1783596)
Item 59	December 07, 2021	(1848397)
Item 60	December 10, 2021	(1790620)
Item 61	December 14, 2021	(1771237)
Item 62	December 15, 2021	(1781391)
Item 63	January 20, 2022	(1798415)
Item 64	February 16, 2022	(1806290)
Item 65	March 17, 2022	(1813355)
Item 66	May 11, 2022	(1828767)
Item 67	June 20, 2022	(1835057)
Item 68	June 23, 2022	(1707999)
Item 69	July 12, 2022	(1842263)
Item 70	August 07, 2022	(1834230)
Item 71	August 22, 2022	(1772434)
Item 72	September 12, 2022	(1856193)
Item 73	October 18, 2022	(1862551)
Item 74	November 10, 2022	(1869466)
Item 75	December 19, 2022	(1875313)
Item 76	December 23, 2022	(1861709)
Item 77	February 22, 2023	(1874667)

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: 03/31/2022 (1819927)
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: 04/27/2022 (1762508)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition (SC) 5A PERMIT
Special Terms and Conditions 1A and 14 OP

Description: Failure to maintain Flare Stack (EPN: P4FLARE) above the required minimum heating value. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 10A PERMIT
Special Terms and Conditions 1A and 14 OP

Description: Failure to maintain P3-POLY flare (EPN: FLARE) above the required minimum heating value. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
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 collect samples when the HRVOC monitor for cooling tower (EPN: P4CWT) was out-of-order for greater than 24 hours. (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 12 OP

Description: Failure to prevent exceedance of the differential pressure for TM-508 fabric filter. (Category B19(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)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 14 OP

Description: Failure to maintain records of inspections for visible emissions. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-9
5C THSC Chapter 382 382.085(b)
Special Condition 7(I) PERMIT
Special Terms and Conditions 1A and 14 OP

Description: Failure to repair equipment before the end of the next process unit shutdown. (Category B17)

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 14C PERMIT
Special Term and Condition 14 OP

Description: Failure to conduct sample testing for Pellet Dryer (EPN: PELETDRYER) according to approved methods. (Category B18g1)

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 44 PERMIT
Special Term and Condition 14 OP

Description: Failure to conduct sample testing for PP4 Dryer Vents (EPN: PP4DRV) according to approved methods. (Category B18g1)

3 Date: 08/11/2022 (1796550)

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 1 PERMIT
Special Term and Condition 7 OP

Description: Failure to prevent exceedance of the maximum allowable emissions rate for Boiler 2 (EPN: BLR2) (Category B12).

4 Date: 08/30/2022 (1797496)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7C PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 26 OP
 Description: Failure to prevent visible emissions for the Olefins 2 Flare (EPN: DDM-3101) (Category B18(g)(1)).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Special Term and Condition 26 OP
 Special Term and Condition 7C PERMIT
 Description: Failure to prevent visible emissions for the Olefins 1 Flare (EPN: DM-1101) (Category C4).
 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 G 63.118(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(a)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7B PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 26 OP
 Description: Failure to maintain pilot flame records for the Olefins 2 Flare (EPN: DDM-3101) (Category C3).
 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 7B PERMIT
 Special Term and Condition 26 OP
 Description: Failure to maintain pilot flame records for the Dock Flare (EPN: AM-1500) (Category C3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7B PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 26 OP
 Description: Failure to maintain pilot flame for the Dock Flare (EPN: AM-1500) (Category C4).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(2)
 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)(4)(iii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(iii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7A PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 26 OP
 Description: Failure to maintain the exit velocity below the permitted limit for the Olefins 1 Flare (EPN: DM-1101) (Category C4).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 32E PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 26 OP

Description: Failure to prevent open-ended lines for the Olefins 2 Unit Fugitives (EPN: FUG-V20F) (Category C10).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138(b)(1)(i)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent an exceedance of the hazardous air pollutant (HAP) concentration limit for the Benzene Treatment Process 1 (Unit ID: PRO-AWMP1) (Category C7).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138(b)(1)(i)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent an exceedance of the hazardous air pollutant (HAP) concentration limit for the Benzene Treatment Process 2 (Unit ID: PRO-AWMP2) (Category C7).

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 61C(1) PERMIT
Special Term and Condition 26 OP

Description: Failure to calibrate lower explosive limit (LEL) meters (Category B1).

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 61C(2) PERMIT
Special Term and Condition 26 OP

Description: Failure to conduct functionality test on lower explosive limit (LEL) meters (Category B1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)
30 TAC Chapter 115, SubChapter H 115.766(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain records of highly reactive volatile organic compound (HRVOC) monitoring data (Category C3).

Self Report? NO Classification: Minor

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

Description: Failure to take highly reactive volatile organic compound (HRVOC) sample for Olefins 2 Flare (EPN: DDM-3101) (Category C1).

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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB102B (EPN: DDB-102B) (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 1 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for Furnace No. 105 (EPN: DDB-105) (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
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 visible emissions for the Olefins 1 Steam Boiler DB901A (EPN: DB-901A) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB102A (EPN: DDB-102A) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB102D (EPN: DDB-102D) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 1 Regen Heater DB601 (EPN: DB-601) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB102C (EPN: DDB-102C) (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
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 Condition 9 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the concentration limits for the Olefins 1 Furnace DB106 (EPN: DB-106) (Category C7).

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 3B(3) PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the firing rate limit for the Olefins 2 Boiler HB901B (EPN: DDB901B) (Category C4).

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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB104B (EPN: DDB-104B) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 1 Furnace DB105 (EPN: DB-105) (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
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 Condition 9 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the concentration limits for the Olefins 1 Furnace DB105 (EPN: DB-105) (Category C7).

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 2 PERMIT
Special Term and Condition 26 OP
Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 1 Furnace DB109 (EPN: DB-109) (Category B13).

Self Report? NO Classification: Minor
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 concentration limits for the Olefins 1 Furnace DB109 (EPN: DB-109) (Category C7).

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 2 PERMIT
Special Term and Condition 26 OP
Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 1 Furnace DB107 (EPN: DB-107) (Category B13).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
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 Condition 9 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 26 OP
Description: Failure to prevent an exceedance of the concentration limits for the Olefins 1 Furnace DB107 (EPN: DB-107) (Category C7).

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 1 PERMIT
Special Term and Condition 26 OP
Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Boiler HB901A (EPN: DDB901A) (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 2 PERMIT
Special Term and Condition 26 OP
Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB104A (EPN: DDB-104A) (Category B13).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540(a)(10)(v)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to conduct annual boiler testing as required for the 2nd Stage Hydrotreater Feed Heater (EPN: J-1) (Category B1).

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 5C PERMIT
Special Term and Condition 26 OP
Description: Failure to prevent an exceedance of the annual hot standby mode operating limit for Furnace No. 105 (EPN: DDB-105) (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 5D PERMIT
Special Term and Condition 26 OP
Description: Failure to prevent an exceedance of the 12-month rolling decoke mode operating limit for Furnace No. 105 (EPN: DDB-105) (Category B18(g)(1)).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent an exceedance of the annual decoke event limit for the Decoke Stack (EPN: DDF-104) (Category B18(g)(1)).

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 1 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 1 Boiler DB901A (EPN: DB-901A) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 1 Furnace DB108 (EPN: DB-108) (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
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 Condition 9 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the concentration limits for the Olefins 1 Furnace DB108 (EPN: DB-108) (Category C7).

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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB106 (EPN: DDB-106) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB107 (EPN: DDB-107) (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 2 PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for the Olefins 2 Furnace HB108 (EPN: DDB-108) (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 3B(2) PERMIT
Special Term and Condition 26 OP

Description: Failure to prevent an exceedance of the concentration limit for the Olefins 2 Boiler HB901A (EPN: DDB901A) (Category C7).

F. Environmental audits:

Notice of Intent Date: 04/23/2021 (1711955)

Disclosure Date: 09/21/2021

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Failed to maintain an up-to-date list of aqueous wastes containing benzene.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failed to meet inspection requirements for some containers containing non-aqueous benzene waste.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(c)

Description: Failed to meet monitoring requirements for some containers containing non-aqueous benzene waste.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)

Description: Failed to monitor all components associated with Individual Drain System Waste Management Units for No Detectable Emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(g)

Description: Failed to meet monitoring requirements for some components of the closed vent system routing organic vapors to a control device.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)

Description: Failed to maintain on file design documentation for boilers used as a control device for organic vapors.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(5)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(2)

40 CFR Part 61, Subpart FF 61.356(f)(3)

Description: Failed to establish an acceptable continuous operating parameter to demonstrate that the boiler achieves the appropriate conditions for proper operation for boilers used as a control device for organic vapors.

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 USA LLC
RN100238708

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0064-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 USA LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 15926 Farm-to-Market Road 2004 intersection near Alvin, Brazoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$10,050 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,040 of the penalty and \$2,010 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Plant conducted from June 25, 2021 through July 2, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 95 and PSDTX854M2, Special Conditions No. 2, Federal Operating Permit No. O2327, General Terms and Conditions and Special Terms and Conditions No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 233.52 pounds of nitrogen oxides from Cogen, Emissions Point Number A-100, during an emissions event (Incident No. 321895) that began on September 29, 2019 and lasted nine hours. The emissions event occurred due to the misfiring of spark plugs and debris from the atmosphere or air inlet system being sucked into the air inlet and passing through the turbine compressor that caused the Cogeneration Unit to unexpectedly change to the lean-lean positive mode to continue operation and support the steam demand for the Plant, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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 USA LLC, Docket No. 2023-0064-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 321895.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive

Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/20/2023

Date

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

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

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

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



Signature

3/15/23

Date



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

SITE DIRECTOR (BLW)

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.