

**Executive Summary - Enforcement Matter - Case No. 63525**

**INEOS USA LLC**

**RN100238708**

**Docket No. 2023-0132-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, Alvin, Brazoria County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2025-1165-AIR-E, 2025-0407-AIR-E, 2024-1735-AIR-E, and 2023-0916-AIR-E

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 10, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$36,875

**Amount Deferred for Expedited Settlement:** \$7,375

**Total Paid to General Revenue:** \$14,750

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$14,750

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:** March 2, 2022 through November 22, 2022

**Date(s) of NOE(s):** December 13, 2022

**Executive Summary - Enforcement Matter - Case No. 63525**  
**INEOS USA LLC**  
**RN100238708**  
**Docket No. 2023-0132-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 26,657.33 pounds of volatile organic compounds from the No. 1 Olefins Flare, Emissions Point Number ("EPN") DM-1101, during an emissions event (Incident No. 374667) that began on February 12, 2022 and lasted 100 hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 95 and PSDTX854M2, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O2327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to operate the flare with a flame present at all times. Specifically, the No. 1 Olefins Flare, EPN DM-1101, was operated without a flame present for a total of 100 hours from February 12, 2022 through February 16, 2022 [30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(3), 115.722(d), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(2) and 63.11(b)(5), NSR Permit Nos. 95 and PSDTX854M2, SC No. 7.B, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By March 30, 2022, corrected the turbine trip and repaired the fire protection panel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 374667; and
- b. By May 30, 2024, added a natural gas fuel line to the flare, repaired the flame front generator, revised the standard operating procedure for the flare system, and replaced the flare tip in order to ensure that the No. 1 Olefins Flare, EPN DM-1101, is operated with a flame present at all times.

**Technical Requirements:**

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

**Executive Summary - Enforcement Matter - Case No. 63525**  
**INEOS USA LLC**  
**RN100238708**  
**Docket No. 2023-0132-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-128, (512) 239-2091; Michael Parrish, Enforcement Division, MC R-12, (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, Griffith, Moseley, Johnson & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

**Respondent:** Greg Blanchard, Site Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77511

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	20-Dec-2022	<b>Screening</b>	6-Jan-2023	<b>EPA Due</b>	
	<b>PCW</b>	19-May-2025				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	63525	<b>No. of Violations</b>	2
<b>Docket No.</b>	2023-0132-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Caleb Martin
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$25,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>65.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$16,250</b>
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Notes: Enhancement for four NOV's with same/similar violations, four NOV's with dissimilar violations, and two agreed orders containing a denial of liability. Reduction for one letter notifying intent of an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$4,375</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$235  
 Estimated Cost of Compliance: \$11,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$36,875</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$36,875</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$36,875</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>-\$7,375</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$29,500</b>
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**Screening Date** 6-Jan-2023  
**Respondent** INEOS USA LLC  
**Case ID No.** 63525  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Enf. Coordinator** Caleb Martin

**Docket No.** 2023-0132-AIR-E

**PCW**

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> )	4	20%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)** 65%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for four NOVs with same/similar violations, four NOVs with dissimilar violations, and two agreed orders containing a denial of liability. Reduction for one letter notifying intent of an audit and one disclosure of violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 65%

**Screening Date** 6-Jan-2023  
**Respondent** INEOS USA LLC  
**Case ID No.** 63525  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Enf. Coordinator** Caleb Martin

**Docket No.** 2023-0132-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 ("NSR") Permit Nos. 95 and PSDTX854M2, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O2327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 26,657.33 pounds of volatile organic compounds from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 374667) that began on February 12, 2022 and lasted 100 hours.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual		x	
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 1 4 Number of violation days

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$12,500

One weekly event is recommended.

**Good Faith Efforts to Comply**

25.0%

Reduction \$3,125

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent completed corrective measures by March 30, 2022, prior to the Notice of Enforcement ("NOE") dated December 13, 2022.

**Violation Subtotal** \$9,375

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

**Statutory Limit Test**

**Estimated EB Amount** \$63

**Violation Final Penalty Total** \$17,500

**This violation Final Assessed Penalty (adjusted for limits)** \$17,500

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 63525  
**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
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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	12-Feb-2022	30-Mar-2022	0.13	\$63	n/a	\$63

**Notes for DELAYED costs**

Estimated cost to correct the turbine trip and repair the fire protection panel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 374667. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$63

**Screening Date** 6-Jan-2023 **Docket No.** 2023-0132-AIR-E **PCW**  
**Respondent** INEOS USA LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 63525 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Enf. Coordinator** Caleb Martin

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(1), 101.20(3), 115.722(d), 116.115(c), and 122.143(4), 40 Code of Federal Regulations §§ 60.18(c)(2) and 63.11(b)(5), NSR Permit Nos. 95 and PSDTX854M2, SC No. 7.B, FOP No. O2327, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to operate the flare with a flame present at all times. Specifically, the No. 1 Olefins Flare, EPN DM-1101, was operated without a flame present for a total of 100 hours from February 12, 2022 through February 16, 2022.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input checked="" type="text" value="x"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One weekly event is recommended for the instances of non-compliance that occurred from February 12, 2022 through February 16, 2022.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes** The Respondent completed corrective measures by May 30, 2024, after the NOE dated December 13, 2022, and prior to the initial settlement offer dated April 22, 2025.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 63525  
**Reg. Ent. Reference No.** RN100238708  
**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)	\$1,500	12-Feb-2022	30-May-2024	2.30	\$172	n/a	\$172

#### Notes for DELAYED costs

Estimated cost to add a natural gas fuel line to the flare, repair the flame front generator, revise the standard operating procedure for the flare system, and replace the flare tip in order to ensure that the No. 1 Olefins Flare, Emissions Point Number ("EPN") DM-1101, is operated with a flame is present at all times. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

**TOTAL** \$172

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN602817884, RN100238708, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN602817884, INEOS USA LLC	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 13.01
<b>Regulated Entity:</b>	RN100238708, CHOCOLATE BAYOU PLANT	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 8.38
<b>Complexity Points:</b>	39	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	Approximately two miles south of the Farm-to-Market 2917 and Farm-to-Market 2004 intersection in Alvin, Brazoria County, Texas		
<b>TCEQ Region:</b>	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  
**AIR NEW SOURCE PERMITS** REGISTRATION 175913  
**AIR NEW SOURCE PERMITS** REGISTRATION 174098  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 30042  
**STORMWATER** PERMIT TXR05DG63  
**WASTEWATER** EPA ID TX0004821

**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  
**AIR NEW SOURCE PERMITS** REGISTRATION 172362  
**AIR NEW SOURCE PERMITS** REGISTRATION 177025  
**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  
**TAX RELIEF** ID NUMBER 21037

**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00028  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30042  
**TAX RELIEF** ID NUMBER 21034  
**TAX RELIEF** ID NUMBER 23910  
**TAX RELIEF** ID NUMBER 21032

**Compliance History Period:** September 01, 2019 to August 31, 2024      **Rating Year:** 2024      **Rating Date:** 09/01/2024

**Date Compliance History Report Prepared:** March 31, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 31, 2020 to March 31, 2025

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

**Name:** Caleb Martin

**Phone:** (512) 239-2091

**Site and Owner/Operator History:**

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

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

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

1      Effective Date: 06/19/2023      ADMINORDER 2021-0473-AIR-E (1660 Order-Agreed Order With Denial)

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 2327, GTC OP

FOP 2327, STC No. 26 OP

NSR Permit No. 95, Special Condition 2 PERMIT

Description: Failure to prevent unauthorized emissions. The Respondent released 60,436.66 pounds ("lbs") of volatile organic compounds ("VOC"), 79,128.27 lbs of carbon monoxide ("CO"), and 15,554.09 lbs of nitrogen oxides ("NOx") from the No. 2 Olefins Flare, Emissions Point Number ("EPN") DDM-3101, during an emissions event (Incident No. 342047) that began on September 11, 2020 and lasted 57 hours. The emission event occurred due to a collapsed strainer on Ethylene Compressor C501, resulting in flaring.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 2327, GTC and STC No. 2.G OP

Description: Failed identify the required information on the final record for a scheduled maintenance, startup, or shutdown activity. The Respondent did not include the reason for the maintenance activity on the final record for Incident No. 342047.

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 2327, GTC OP

FOP 2327, STC No. 26 OP

NSR, Special Condition 2 PERMIT

Description: Failure to prevent unauthorized emissions. The Respondent released 30,131.42 lbs of VOC, 28,921.39 lbs of CO, and 5,682.88 lbs of NOx from the No. 2 Olefins Flare, EPN DDM-3101, during an emissions event (Incident No. 346644) that began on November 25, 2020 and lasted 16 hours. The emissions event occurred when the level transmitter on the level controller on the drum did not read the level correctly that caused the incorrect level reading to not alarm on high level, resulting in the compressor

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 2327, GTC OP  
FOP 2327, STC No. 26 OP  
NSR Permit, Special Condition 2 PERMIT

Description: Failed to prevent unauthorized emissions. The Respondent released 12,107.34 lbs of VOC, 19,765.92 lbs of CO, and 3,891.90 lbs of NOx from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 346735) that began on November 30, 2020 and lasted 29 hours. The emissions event occurred due to a fuel gas compressor trip that caused the unexpected loss of two steam Cogeneration Units, resulting in flaring.

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 2327, GTC OP  
FOP 2327, STC No. 26 OP  
Special Condition 2 PERMIT

Description: Failed to prevent unauthorized emissions. The Respondent released 23,021.62 lbs of VOC, 32,042.74 lbs of CO, and 6,304.72 lbs of NOx from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 326641) that began on December 15, 2019 and lasted 35 hours. The emissions event occurred due to a temporary loss of power that caused the control valves to switch to their fail position and the Acetylene Reactor to trip, resulting in flaring.

2 Effective Date: 08/07/2023 ADMINORDER 2023-0064-AIR-E (1660 Order-Agreed Order With Denial)

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 2327, GTC OP  
FOP 2327, STC No. 26 OP  
NSR 95, SC No. 2 PERMIT

Description: 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 p

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 09, 2020	(1653492)
Item 2	April 28, 2020	(1640257)
Item 3	May 04, 2020	(1597713)
Item 4	May 12, 2020	(1646363)
Item 5	May 18, 2020	(1660078)
Item 6	June 09, 2020	(1666583)
Item 7	July 14, 2020	(1640012)
Item 8	July 31, 2020	(1651359)
Item 9	August 07, 2020	(1680315)
Item 10	August 25, 2020	(1624754)
Item 11	October 12, 2020	(1693230)
Item 12	November 13, 2020	(1686496)
Item 13	November 30, 2020	(1692122)
Item 14	December 10, 2020	(1757144)

Item 15	January 08, 2021	(1686259)
Item 16	January 12, 2021	(1712385)

Item 17	February 05, 2021	(1725438)
Item 18	February 25, 2021	(1696929)
Item 19	March 11, 2021	(1699415)
Item 20	March 12, 2021	(1725439)
Item 21	April 13, 2021	(1725440)
Item 22	May 14, 2021	(1740030)
Item 23	May 28, 2021	(1711364)
Item 24	June 10, 2021	(1723572)
Item 25	June 11, 2021	(1740031)
Item 26	July 01, 2021	(1735657)
Item 27	July 19, 2021	(1751680)
Item 28	August 02, 2021	(1747394)
Item 29	August 20, 2021	(1745863)
Item 30	August 30, 2021	(1685590)
Item 31	September 01, 2021	(1702300)
Item 32	September 14, 2021	(1690450)
Item 33	September 17, 2021	(1766224)
Item 34	September 23, 2021	(1684041)
Item 35	September 27, 2021	(1692237)
Item 36	October 12, 2021	(1776627)
Item 37	October 31, 2021	(1763655)
Item 38	November 11, 2021	(1783596)
Item 39	December 07, 2021	(1848397)
Item 40	December 10, 2021	(1790620)
Item 41	December 14, 2021	(1771237)
Item 42	December 15, 2021	(1781391)
Item 43	January 20, 2022	(1798415)
Item 44	February 16, 2022	(1806290)
Item 45	March 17, 2022	(1813355)
Item 46	May 11, 2022	(1828767)
Item 47	June 20, 2022	(1835057)
Item 48	June 23, 2022	(1707999)
Item 49	July 12, 2022	(1842263)
Item 50	August 07, 2022	(1834230)
Item 51	August 22, 2022	(1772434)
Item 52	September 12, 2022	(1856193)
Item 53	October 18, 2022	(1862551)
Item 54	November 10, 2022	(1869466)
Item 55	December 12, 2022	(1882135)
Item 56	December 19, 2022	(1875313)
Item 57	December 23, 2022	(1861709)
Item 58	February 08, 2023	(1889952)
Item 59	February 22, 2023	(1874667)
Item 60	March 08, 2023	(1893861)
Item 61	March 21, 2023	(1874824)
Item 62	April 10, 2023	(1905298)
Item 63	May 10, 2023	(1855535)
Item 64	June 13, 2023	(1919083)
Item 65	July 11, 2023	(1926048)
Item 66	July 12, 2023	(1845934)
Item 67	July 21, 2023	(1912330)
Item 68	July 27, 2023	(1917276)
Item 69	August 10, 2023	(1933013)
Item 70	September 13, 2023	(1939147)
Item 71	October 10, 2023	(1945999)
Item 72	October 18, 2023	(1971789)
Item 73	October 25, 2023	(1931876)
Item 74	October 30, 2023	(1924210)
Item 75	December 12, 2023	(1961453)



Special Term & Condition 1A OP  
 Description: Failure to maintain temperatures within permitted limit for Turbine 2 (Unit ID: TURB2). (CATEGORY B12 Violation)  
 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)  
 FOP, Special Term & Condition 7 OP  
 NSR, Special Condition 21D PERMIT  
 Description: Failure to conduct Boiler 1 (Unit ID: BLR1) cylinder gas audit (CGA) in accordance with 40 CFR 60, Appendix F, Procedure 1, Section 5.1.2. (CATEGORY B1 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP, General Terms & Conditions OP  
 Description: Failure to report all instances of deviations in the Deviation Report (DR) period of April 1, 2022 through September 30, 2022. (CATEGORY B3 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP, General Terms & Conditions OP  
 Description: Failure to report all instances of deviations in the Deviation Report (DR) period of October 1, 2022 through March 31, 2023. (CATEGORY B3 Violation)

3 Date: 06/30/2024 (2011168)  
 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

4 Date: 07/31/2024 (2016772)  
 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

5 Date: 08/28/2024 (1966661)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 1A OP  
 FOP, Special Term & Condition 26 OP  
 NSR, Special Condition 7C PERMIT  
 Description: Failure to prevent visible emissions from Flare (Unit ID: P-1OLEF/DM-1101). (CATEGORY B13 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term & Condition 1A OP  
 FOP, Special Term & Condition 26 OP  
 NSR, Special Condition 7C PERMIT  
 Description: Failure to prevent visible emissions from Flare (Unit ID: P-2OLEF/DM-3101). (CATEGORY B13 Violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP, General Terms & Conditions OP

Description: Failure to report all instances of deviation in the reporting period of April 1, 2022 through September 30, 2022. (CATEGORY B3 Violation)

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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 61C(2) PERMIT

Description: Failure to record functionality testing results for LEL monitors (Unit ID: MSS-OLEF). (CATEGORY C3 Violation)

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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 95C(1) PERMIT

Description: Failure to maintain lower explosive limit (LEL) calibration test data (Unit ID: MSS-OLEF). (CATEGORY C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP  
NSR, Special Condition 49 PERMIT

Description: Failure to conduct sampling within 10 hours of highly reactive volatile organic compound (HRVOC) analyzer downtime exceeding 8 hours. (CATEGORY C1 Violation)

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)(4)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(iii)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 7A PERMIT

Description: Failure to maintain Flare (Unit ID: P-1OLEF/DM-1101) exit velocity below permitted limit. (CATEGORY B12 Violation)

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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 1 PERMIT

Description: Failure to maintain Furnace (Unit ID: HB105/DDB-105) emissions within the permitted limit. (CATEGORY B13 Violation)

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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 30B(3) PERMIT

Description: Failure to conduct weekly Total Dissolved Solids (TDS) sampling (Unit ID: HCWT-2). (CATEGORY C4 Violation)

Self Report? NO Classification: Moderate

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)  
NSR Special Condition 9 PERMIT  
Special Term & Condition 26 OP

Description: Failure to maintain Furnace (Unit ID: DB109) emissions within the permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 2 PERMIT

Description: Failure to maintain Turbine (Unit ID: A-100/GT-1) emissions within the

permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

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)  
FOP, Special Term & Condition 1A OP  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 2 PERMIT  
NSR, Special Condition 9 PERMIT

Description: Failure to maintain Furnace (Unit ID: DB-108) emissions within the permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

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)  
FOP, Special Term & Condition 1A OP  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 2 PERMIT  
NSR, Special Condition 9 PERMIT

Description: Failure to maintain Furnace (Unit ID: DB-105) emissions within the permitted limit. (CATEGORY B13 Violation)

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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 2 PERMIT

Description: Failure to maintain Furnace (Unit ID: HB102C/DDB-102C) emissions within the permitted limit. (CATEGORY B13 Violation)

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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 2 PERMIT

Description: Failure to maintain Furnace (Unit ID: HB102A/DDB-102A) emissions within the permitted limit. (CATEGORY B13 Violation)

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)  
FOP, Special Term & Condition 26 OP  
NSR, Special Condition 2 PERMIT

Description: Failure to maintain Furnace (Unit ID: HB102B/DDB-102B) emissions within permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP

Description: Failure to maintain Furnace (Unit ID: DB-107) emissions within permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP

Description: Failure to submit relative accuracy test assessment (RATA) post-test notification within the required timeframe. (CATEGORY C3 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 1, Subchapter C, PT 63, Subpt YY 63.1103(e)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP

Description: Failure to maintain Flare (Unit ID: P-10LEF/DM-1101) combustion zone net heating values (NHVcz) within the permitted limit. (CATEGORY B12 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 1, Subchapter C, PT 63, Subpt YY 63.1103(e)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term & Condition 1A OP

Description: Failure to maintain Flare (Unit ID: P-2OLEF/DDM-3101) combustion zone net heating values (NHVcz) within the permitted limit. (CATEGORY B12 Violation)

- 6 Date: 08/31/2024 (2023789)  
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
- 7 Date: 09/30/2024 (2029913)  
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
- 8 Date: 02/21/2025 (2010004)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
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 Term & Condition 14 OP  
Special Term and Condition 1A OP  
Description: Failure to maintain the net heating value for the Flare (EPN: FLARE) (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 5A PERMIT  
Special Term & Condition 14 OP  
Special Term and Condition 1A OP  
Description: Failure to maintain the net heating value for the Flare (EPN: P4-FLARE) (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 12(c) PERMIT  
Special Term & Condition 14 OP  
Description: Failure to prevent exceedance of the differential pressure transmitter downtime limit for the Conveying Air Bag Filter (Emission Point Number (EPN): CONBAGFILTR) (Category B18(g)(1))

## F. Environmental audits:

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

Disclosure Date: 09/21/2021

Viol. Minor

Classification:

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. Moderate

Classification:

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. Moderate

Classification:

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. Moderate

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Moderate

Classification:

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

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. 2023-0132-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 approximately two miles south of the Farm-to-Market Road 2917 and Farm-to-Market Road 2004 intersection in Alvin, Brazoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$36,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,750 of the penalty and \$7,375 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, \$14,750 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. By March 30, 2022, corrected the turbine trip and repaired the fire protection panel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 374667; and
  - b. By May 30, 2024, added a natural gas fuel line to the flare, repaired the flame front generator, revised the standard operating procedure for the flare system, and replaced the flare tip in order to ensure that the No. 1 Olefins Flare, Emissions Point Number ("EPN") DM-1101, is operated with a flame present at all times.

## II. ALLEGATIONS

During a record review for the Plant conducted from March 2, 2022 through November 22, 2022, an investigator documented that the Respondent:

1. 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 ("NSR") Permit Nos. 95 and PSDTX854M2, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O2327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 26,657.33 pounds of volatile organic compounds from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 374667) that began on February 12, 2022 and lasted 100 hours.
2. Failed to operate the flare with a flame present at all times, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(3), 115.722(d), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(2) and 63.11(b)(5), NSR Permit Nos. 95 and PSDTX854M2, SC No.

7.B, FOP No. O2327, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the No. 1 Olefins Flare, EPN DM-1101, was operated without a flame present for a total of 100 hours from February 12, 2022 through February 16, 2022.

### 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. 2023-0132-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 \$14,750 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 Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

----- For the Commission	----- Date
<i>Krista Mello-Jurack</i>	11/10/2025
----- For the Executive Director	----- Date

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

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

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

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

<i>By Blanchard</i>	9-2-2025
----- Signature	----- Date
<i>Greg Blanchard</i>	<i>Site Manager</i>
----- Name (Printed or typed) Authorized Representative of INEOS USA 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: 2023-0132-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INEOS USA LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$29,500</b>
<b>SEP Offset Amount:</b>	<b>\$14,750</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas City Independent School District</b>
<b>Project Name:</b>	<b><i>TCISD Alternative Fuel School Bus Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216: Houston-Galveston</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The 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  
Megan Gallien, Chief Financial Officer  
Griffith, Moseley, Johnson & Associates, Inc.  
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.