

**Executive Summary – Enforcement Matter – Case No. 66440**

**INEOS NITRILES USA LLC**

**RN100210038**

**Docket No. 2024-1895-WDW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

WDW

**Small Business:**

No

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

INEOS Green Lake Plant, 13050 State Highway 185 North, Port Lavaca, Calhoun County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 4, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,727

**Amount Deferred for Expedited Settlement:** \$2,745

**Total Paid to General Revenue:** \$10,982

**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 5, 2024

**Date(s) of NOE(s):** July 10, 2024

**Executive Summary – Enforcement Matter – Case No. 66440**  
**INEOS NITRILES USA LLC**  
**RN100210038**  
**Docket No. 2024-1895-WDW-E**

***Violation Information***

1. Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices. Specifically, the analog gauges for injection pressure and annulus pressure were not calibrated for Waste Disposal Well (WDW") 164 [30 TEX. ADMIN. CODE § 331.63(g)].
2. Failed to maintain an annulus pressure of at least 100 pounds per square inch ("psi") greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones. Specifically, the annulus differential pressure for WDW164 dropped below 100 psi one time on May 14, 2023 (lowest pressure recorded -4.97 psi) for a total of 1.5 minutes [30 TEX. ADMIN. CODE § 331.63(e) and 40 CODE OF FEDERAL REGULATIONS § 146.67(c)]

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By June 12, 2024, the Respondent began calibrating quarterly the analog gauges for injection pressure and annulus pressure for WDW164 at the Facility.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Develop and implement procedures designed to ensure all gauges, pressure sensing, and recording devices are tested and calibrated quarterly; and
  - ii. Develop and implement procedures designed to ensure the annulus differential pressure is maintained at 100 psi or greater.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Stephanie McCurley, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2607; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** David Spacek, Site Director, INEOS NITRILES USA LLC, P.O. Box 659, Port Lavaca, Texas 77979

**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>	22-Jul-2024	<b>Screening</b>	22-Jul-2024	<b>EPA Due</b>	
	<b>PCW</b>	9-Dec-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	INEOS NITRILES USA LLC				
<b>Reg. Ent. Ref. No.</b>	RN100210038				
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	66440	<b>No. of Violations</b>	2
<b>Docket No.</b>	2024-1895-WDW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Underground Injection Control	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephanie McCurley
		<b>EC's Team</b>	Enforcement Team 3
<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>	\$9,250
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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>43.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$3,977
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Notes: Enhancement for three NOV's with same/similar violations, two NOV's with dissimilar violations, and one Order without a denial of liability. Reduction for one notice of intent to conduct an audit.

<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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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>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$574  
Estimated Cost of Compliance: \$1,500  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$13,227
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>3.8%</b>	<b>Adjustment</b>	\$500
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.

<b>Final Penalty Amount</b>	\$13,727
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$13,727
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$2,745
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,982
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<b>Screening Date</b>	22-Jul-2024	<b>Docket No.</b>	2024-1895-WDW-E	<b>PCW</b>
<b>Respondent</b>	INEOS NITRILES USA LLC			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	66440			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100210038			
<b>Media</b>	Underground Injection Control			
<b>Enf. Coordinator</b>	Stephanie McCurley			

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 43%

>> 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, two NOVs with dissimilar violations, and one Order without a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 43%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 43%

<b>Screening Date</b> 22-Jul-2024 <b>Respondent</b> INEOS NITRILES USA LLC <b>Case ID No.</b> 66440 <b>Reg. Ent. Reference No.</b> RN100210038 <b>Media</b> Underground Injection Control <b>Enf. Coordinator</b> Stephanie McCurley	<b>Docket No.</b> 2024-1895-WDW-E <b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 331.63(g)
<b>Violation Description</b>	Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices. Specifically, the analog gauges for injection pressure and annulus pressure were not calibrated for Waste Disposal Well (WDW") 164.

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$23,250
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	\$1,750
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Violation Events

Number of Violation Events	1	47	Number of violation days
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daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

<b>Violation Base Penalty</b>	\$1,750
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One single event is recommended.
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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.		

<b>Violation Subtotal</b>	\$1,750
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$524
<b>Violation Final Penalty Total</b>	\$2,597
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,597

# Economic Benefit Worksheet

**Respondent** INEOS NITRILES USA LLC  
**Case ID No.** 66440  
**Reg. Ent. Reference No.** RN100210038  
**Media** Underground Injection Control  
**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	\$500	5-Jun-2024	18-May-2025	0.95	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed cost to develop and implement procedures designed to ensure all gauges, pressure sensing, and recording devices are tested and calibrated quarterly. The Date Required is the investigation date 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	\$500	5-Jun-2024	12-Jun-2024	0.02	\$0	\$500	\$500
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to test and calibrate quarterly the analog gauges for injection pressure and annulus pressure for WDW164. The Date Required is the investigation date and the Final Date is the date of compliance.						

Approx. Cost of Compliance \$1,000

**TOTAL** \$524

<b>Screening Date</b>	22-Jul-2024	<b>Docket No.</b>	2024-1895-WDW-E	<b>PCW</b>
<b>Respondent</b>	INEOS NITRILES USA LLC	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	66440	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN100210038			
<b>Media</b>	Underground Injection Control			
<b>Enf. Coordinator</b>	Stephanie McCurley			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 331.63(e) and 40 Code of Federal Regulations § 146.67(c)			
<b>Violation Description</b>	<p>Failed to maintain an annulus pressure of at least 100 pounds per square inch ("psi") greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones. Specifically, the annulus differential pressure for WDW164 dropped below 100 psi one time on May 14, 2023 (lowest pressure recorded -4.97 psi) for a total of 1.5 minutes.</p>			
<b>Base Penalty</b>		\$25,000		

>> Environmental, Property and Human Health Matrix

OR

		<b>Harm</b>		
		Major	Moderate	Minor
<b>Release</b>				
Actual				
Potential	x			
		<b>Percent</b>		30.0%

>>Programmatic Matrix

		Major	Moderate	Minor	
		<b>Percent</b>		0.0%	

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

\$17,500

\$7,500

Violation Events

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

**Violation Base Penalty**

\$7,500

One single 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

<b>Estimated EB Amount</b>	\$50	<b>Violation Final Penalty Total</b>	\$11,130
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$11,130	

# Economic Benefit Worksheet

**Respondent** INEOS NITRILES USA LLC  
**Case ID No.** 66440  
**Reg. Ent. Reference No.** RN100210038  
**Media** Underground Injection Control  
**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	\$500	14-May-2023	18-May-2025	2.01	\$50	n/a	\$50
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Estimated delayed cost to develop and implement procedures designed to ensure the annulus differential pressure is maintained at 100 psi or greater. The Date Required is the date the annulus differential pressure dropped below 100 psi 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 \$500

**TOTAL** \$50





# Compliance History Report

Compliance History Report for CN605075381, RN100210038, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605075381, INEOS NITRILES USA LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	0.67
<b>Regulated Entity:</b>	RN100210038, INEOS Green Lake Plant	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	0.67
<b>Complexity Points:</b>	37	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	13050 State Highway 185 North in Port Lavaca, Calhoun County, Texas				
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI				
<b>ID Number(s):</b>					
<b>AIR OPERATING PERMITS</b>	ACCOUNT NUMBER CB0034B	<b>AIR OPERATING PERMITS</b>	PERMIT 1284		
<b>PUBLIC WATER SYSTEM/SUPPLY</b>	REGISTRATION 0290051	<b>AIR NEW SOURCE PERMITS</b>	PERMIT 6289		
<b>AIR NEW SOURCE PERMITS</b>	ACCOUNT NUMBER CB0034B	<b>AIR NEW SOURCE PERMITS</b>	EPA PERMIT PSDTX76M7		
<b>AIR NEW SOURCE PERMITS</b>	AFS NUM 4805700013	<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 76678		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 49524	<b>AIR NEW SOURCE PERMITS</b>	EPA PERMIT PSDTX76M8		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 82172	<b>AIR NEW SOURCE PERMITS</b>	PERMIT 83776		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 92479	<b>IHW CORRECTIVE ACTION</b>	SOLID WASTE REGISTRATION # (SWR) 32164		
<b>UNDERGROUND INJECTION CONTROL</b>	PERMIT WDW163	<b>UNDERGROUND INJECTION CONTROL</b>	PERMIT WDW164		
<b>UNDERGROUND INJECTION CONTROL</b>	PERMIT WDW165	<b>UNDERGROUND INJECTION CONTROL</b>	PERMIT WDW452		
<b>UNDERGROUND INJECTION CONTROL</b>	PERMIT WDW453	<b>WASTEWATER</b>	PERMIT WQ0002181000		
<b>WASTEWATER</b>	EPA ID TX0077577	<b>AIR EMISSIONS INVENTORY</b>	ACCOUNT NUMBER CB0034B		
<b>POLLUTION PREVENTION PLANNING</b>	ID NUMBER P00059	<b>INDUSTRIAL AND HAZARDOUS WASTE</b>	EPA ID TXD000751172		
<b>INDUSTRIAL AND HAZARDOUS WASTE</b>	SOLID WASTE REGISTRATION # (SWR) 32164	<b>INDUSTRIAL AND HAZARDOUS WASTE</b>	PERMIT 50143		
<b>Compliance History Period:</b>	September 01, 2019 to August 31, 2024	<b>Rating Year:</b>	2024	<b>Rating Date:</b>	09/01/2024
<b>Date Compliance History Report Prepared:</b>	December 09, 2024				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	December 09, 2019 to December 09, 2024				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Stephanie McCurley	<b>Phone:</b>	(512) 239-2607		

## 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: 05/15/2023   | ADMINORDER 2022-0873-PWS-E (Findings Order-Agreed Order Without Denial) |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)   |   |
|   | 5A THSC Chapter 341, SubChapter A 341.0315(c)  |   |
|   | Description: TTHM LRAA MCL 2Q2022 – During the 2nd quarter of 2022 the system violated the maximum |   |

contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at SMP STE 3-DOCK: 13050 SH 185, Port Lavaca (DBP2-01). ETT Point Value = 5

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 1Q2022 – During the 1st quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.105 mg/L at SMP STE 3-DOCK: 13050 SH 185, Port Lavaca (DBP2-01). ETT Point Value = 5

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 4Q2021 – During the 4th quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.120 mg/L at SMP STE 3-DOCK: 13050 SH 185, Port Lavaca (DBP2-01). ETT Point Value = 5

## **B. Criminal convictions:**

N/A

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

N/A

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

Item 1	December 19, 2019	(1627429)
Item 2	December 20, 2019	(1617766)
Item 3	January 14, 2020	(1635062)
Item 4	February 14, 2020	(1630330)
Item 5	February 20, 2020	(1641677)
Item 6	March 18, 2020	(1648190)
Item 7	April 20, 2020	(1654538)
Item 8	April 29, 2020	(1639828)
Item 9	May 20, 2020	(1661108)
Item 10	June 18, 2020	(1667638)
Item 11	July 15, 2020	(1674586)
Item 12	August 19, 2020	(1666113)
Item 13	August 20, 2020	(1681358)
Item 14	August 24, 2020	(1671003)
Item 15	September 18, 2020	(1687934)
Item 16	September 21, 2020	(1677309)
Item 17	September 22, 2020	(1677510)
Item 18	October 19, 2020	(1679497)
Item 19	October 24, 2020	(1694282)
Item 20	November 19, 2020	(1715477)
Item 21	December 16, 2020	(1677074)
Item 22	December 18, 2020	(1715478)
Item 23	February 10, 2021	(1702052)
Item 24	February 19, 2021	(1728549)
Item 25	March 19, 2021	(1728550)
Item 26	April 19, 2021	(1728551)
Item 27	April 23, 2021	(1709630)
Item 28	May 19, 2021	(1741567)
Item 29	May 20, 2021	(1722902)
Item 30	June 15, 2021	(1735706)
Item 31	June 18, 2021	(1748109)
Item 32	July 30, 2021	(1746923)
Item 33	August 03, 2021	(1747398)
Item 34	August 06, 2021	(1749439)
Item 35	August 10, 2021	(1749494)
Item 36	August 19, 2021	(1758121)
Item 37	October 19, 2021	(1777835)

Item 38	November 18, 2021	(1784630)
Item 39	November 29, 2021	(1770717)
Item 40	December 13, 2021	(1791664)
Item 41	December 22, 2021	(1755377)
Item 42	January 07, 2022	(1782255)
Item 43	January 18, 2022	(1799506)
Item 45	February 09, 2022	(1807338)
Item 46	February 25, 2022	(1795798)
Item 47	March 14, 2022	(1814390)
Item 48	March 22, 2022	(1802636)
Item 49	April 13, 2022	(1820960)
Item 50	May 16, 2022	(1812794)
Item 51	May 20, 2022	(1816887)
Item 52	May 27, 2022	(1817314)
Item 53	June 16, 2022	(1836093)
Item 54	July 19, 2022	(1843292)
Item 55	July 30, 2022	(1833337)
Item 56	August 02, 2022	(1833412)
Item 57	August 18, 2022	(1849459)
Item 58	September 14, 2022	(1857225)
Item 59	September 21, 2022	(1841869)
Item 60	October 10, 2022	(1863581)
Item 61	November 07, 2022	(1870491)
Item 62	December 19, 2022	(1876345)
Item 63	January 17, 2023	(1883159)
Item 64	January 23, 2023	(1872923)
Item 65	February 09, 2023	(1890970)
Item 66	February 10, 2023	(1874774)
Item 67	February 27, 2023	(1880136)
Item 68	March 07, 2023	(1899542)
Item 69	March 28, 2023	(1887509)
Item 70	April 14, 2023	(1906345)
Item 71	May 05, 2023	(1897089)
Item 72	May 17, 2023	(1913500)
Item 73	June 09, 2023	(1920108)
Item 74	June 12, 2023	(1904350)
Item 75	July 19, 2023	(1927075)
Item 76	August 14, 2023	(1934039)
Item 77	August 23, 2023	(1918645)
Item 78	September 11, 2023	(1940178)
Item 79	October 12, 2023	(1947016)
Item 80	December 18, 2023	(1969066)
Item 81	December 28, 2023	(1937136)
Item 82	February 07, 2024	(1956294)
Item 83	February 08, 2024	(1978131)
Item 84	March 14, 2024	(1984704)
Item 85	May 07, 2024	(1976874)
Item 86	May 13, 2024	(1997682)
Item 87	June 12, 2024	(2004645)
Item 88	June 24, 2024	(1988794)
Item 89	July 11, 2024	(1995751)
Item 90	July 16, 2024	(2012191)
Item 91	August 12, 2024	(2017783)
Item 92	September 11, 2024	(2024820)
Item 93	November 19, 2024	(2021299)

#### **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: 07/10/2024 (1994995)

- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.63(g)  
Description: Failed to calibrate all gauges and pressure sensing devices quarterly as required.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.67(a)  
Description: Failed to maintain complete and accurate records as required.
- 2 Date: 07/10/2024 (1994940)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.63(g)  
Description: Failed to calibrate all gauges and pressure sensing devices quarterly as required.
- 3 Date: 07/10/2024 (1996080)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.63(g)  
Description: Failed to calibrate all gauges and pressure sensing devices quarterly as required.  
  
Specifically, the analog gauges for injection pressure and annulus pressure were not calibrated.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)  
Description: Failed to maintain gauges and transmitters in proper working order, at all times, as required.  
  
Specifically, from approximately 6:00 am January 15, 2024, to 9:00 am January 17, 2024, no data was recorded as the gauges and transmitters were frozen by cold weather.
- 4 Date: 08/07/2024 (1996204)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
GTC OP  
Description: Failure to submit a semi-annual deviation report (DR) within 30 days of the end of the certification/reporting period.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
GTC OP  
Description: Failure to submit a Permit Compliance Certification (PCC) within 30 days of the end of the certification period.
- 5 Date: 09/16/2024 (2010393)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(c)(4)(A)  
Description: Failed to submit data and interpretation of periodic mechanical integrity tests within 30 days after test completion as required.  
  
Specifically, a Differential Temperature Survey was performed on May 14, 2023. However, the report was not submitted to TCEQ until May 30, 2024.

#### F. Environmental audits:

Notice of Intent Date: 12/20/2021 (1787180)  
No DOV Associated

#### G. Type of environmental management systems (EMSs):

N/A

#### H. Voluntary on-site compliance assessment dates:

N/A

**I. Participation in a voluntary pollution reduction program:**

**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 NITRILES USA LLC  
RN100210038

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

## AGREED ORDER DOCKET NO. 2024-1895-WDW-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 NITRILES USA LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 27. 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 13050 State Highway 185 North in Port Lavaca, Calhoun County, Texas (the "Facility"). The Respondent is utilizing, has begun drilling, or is converting injection wells as that term is defined in TEX. WATER CODE § 27.002(11).
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. 361, TEX. WATER CODE ch. 27, 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 \$13,727 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,982 of the penalty and \$2,745 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.
9. The Executive Director recognizes that by June 12, 2024, the Respondent began calibrating quarterly the analog gauges for injection pressure and annulus pressure for WDW164 at the Facility.

## **II. ALLEGATIONS**

During an investigation at the Facility conducted on June 5, 2024, an investigator documented that the Respondent:

1. Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices, in violation of 30 TEX. ADMIN. CODE § 331.63(g). Specifically, the analog gauges for injection pressure and annulus pressure were not calibrated for Waste Disposal Well (WDW") 164.
2. Failed to maintain an annulus pressure of at least 100 pounds per square inch ("psi") greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones, in violation of 30 TEX. ADMIN. CODE § 331.63(e) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 146.67(c). Specifically, the annulus differential pressure for WDW164 dropped below 100 psi one time on May 14, 2023 (lowest pressure recorded -4.97 psi) for a total of 1.5 minutes.

## **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 NITRILES USA LLC, Docket No. 2024-1895-WDW-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:
  - a. Within 30 days after the effective date of this Order:
    - i. Develop and implement procedures designed to ensure all gauges, pressure sensing, and recording devices are tested and calibrated quarterly, in accordance with 30 TEX. ADMIN. CODE § 331.63; and
    - ii. Develop and implement procedures designed to ensure the annulus differential pressure is maintained at 100 psi or greater, in accordance with 30 TEX. ADMIN. CODE § 331.63 and 40 CFR § 146.67(c).
  - 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:

Waste Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
500 North Shoreline Boulevard, Suite 500  
Corpus Christi, Texas 78401

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 Facility 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
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

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
5/2/2025

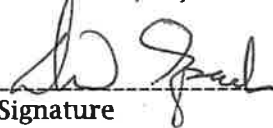
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
2/18/25  
Date

\_\_\_\_\_  
David Spacek

\_\_\_\_\_  
Site Director

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
INEOS NITRILES 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.