

**FILED**

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**U.S. EPA REGION 5  
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of:	)	Docket No. CAA-05-2024-0054
	)	
INEOS ABS (USA) LLC	)	Proceeding to Assess a Civil Penalty
Addyston, Ohio	)	Under Section 113(d) of the Clean Air Act,
	)	42 U.S.C. § 7413(d)
Respondent.	)	
_____	)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is INEOS ABS (USA) LLC (INEOS ABS), a Delaware limited liability company doing business in Ohio.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Synthetic Organic Chemical Manufacturing Industry (Hazardous Organic NESHAP) at 40 C.F.R. §§ 63.100 through 63.107. The Hazardous Organic NESHAP is comprised of three Subparts: 1) Subpart F at 40 C.F.R. §§ 63.100-107; 2) Subpart G at 40 C.F.R. §§ 63.110-63.153; and 3) Subpart H at 40 C.F.R. §§ 63,160-63.183. See 59 Fed. Reg. 19454 (1994).

10. Except as provided in 40 C.F.R. § 63.100(b)(4) and in 40 C.F.R. § 63.100(c), Subparts F, G, and H apply to “chemical manufacturing process units” meeting all criteria specified in 40 C.F.R. § 63.100(b)(1), (b)(2), and (b)(3). See 40 C.F.R. § 63.100(b). A “chemical manufacturing process unit” is the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. For the purpose of Subparts F-H of the Hazardous Organic NESHAP, a “chemical manufacturing process unit” includes oxidation reactors and their associated product separators and recovery devices; reactors and

their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, instrumentation systems, and control devices or systems. A chemical manufacturing process unit is identified by its primary product. See 40 C.F.R. § 63.111.

11. Subpart H of the Hazardous Organic NESHAP, 40 C.F.R. §§ 63.160-63.183, applies to affected pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems in organic HAP service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 C.F.R. part 63 that references Subpart H. See 40 C.F.R. § 63.160(a).

12. 40 C.F.R. § 63.168(c) requires that, except as provided in 40.C.F.R. §§ 63. 171, 63.177, and 63.179, all valves in gas/vapor service and in light liquid service shall be monitored at the intervals specified in 40 C.F.R. § 63.168(c) and (d). Thus, each valve in gas service or in light liquid service must be monitored at an interval of every three months.

13. 40 C.F.R. § 63.174(b)(3) requires that the owner or operator shall monitor for leaks at the intervals specified in either subparagraph (b)(1) or (b)(2) of this section and in subparagraphs (b)(3) through (b)(5) of this section. 40 C.F.R. § 63.174(b)(3) requires that after conducting the initial survey required in subparagraph (b)(1) or (b)(2) of this section, the owner

or operator shall perform all subsequent monitoring of connectors at the frequencies specified in subparagraphs (b)(3)(i) through (b)(3)(v).

14. 40 C.F.R. § 63.172(a) sets forth that owners or operator of closed-vent systems and control devices used to comply with provisions of Subpart H shall comply with the provisions of this section, except as provided in 40 C.F.R. § 63.162(b).

15. 40 C.F.R. § 63.172(m) requires that whenever organic HAP emissions are vented to a closed-vent system or control device used to comply with the provisions of this 40 C.F.R. Part 63, subpart H, such system or control device shall be operating.

16. 40 C.F.R. § 63.172(h) provides that leaks, as indicated by an instrument reading greater than 500 parts per million above background or by visual inspections, shall be repaired as soon as practicable, except as provided in 40 C.F.R. § 63.172(i). Upon finding a leak, § 63.172(h)(1) and (2) require that a first attempt at repair be made no later than 5 calendar days after the leak is detected, and that repair be completed no later than 15 calendar days after the leak is detected. 40 C.F.R. § 63.172(i) provides an extension of time to complete these requirements if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair.

17. 40 C.F.R. § 63.165(a) requires that, except during pressure releases, each pressure relief device in gas/vapor service shall be operated with an instrument reading of less than 500 parts per million above background except as provided in paragraph (b) of this section as measured by the method specified in 40 C.F.R. § 63.180(c).

18. Pursuant to Section 112 of the CAA, U.S.C. § 7412, on September 12, 1996, EPA promulgated the National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins at 40 C.F.R. Part 63, Subpart JJJ, 40 C.F.R. §§ 63.1310-1336 (the Group IV Polymers and Resins NESHAP). See 61 Fed. Reg. 48229 (1996).

19. The Group IV Polymers and Resins NESHAP applies to “affected sources,” including facilities containing affected emission points and equipment associated with each applicable group of one or more “thermoplastic product process units,” (TTPU) as specified in 40 C.F.R. § 63.1310(a)(4)(i) through (vi). See 40 C.F.R. § 63.1310(a).

20. 40 C.F.R. § 63.1310 sets forth applicability provisions, definitions, and other general provisions that are applicable to an affected source subject to the Group IV Polymers and Resins NESHAP.

21. On March 27, 2014, EPA updated the Group IV Polymers and Resins NESHAP requiring existing affected sources to comply no later than March 27, 2017, with the pressure relief device monitoring provisions of 40 C.F.R. § 63.1331(a)(9)(iii). See 40 C.F.R. § 63.1311(d)(7).

22. 40 C.F.R. § 63.1331(a)(9)(iii)(A) requires that for each pressure relief device in organic HAP service, the owner or operator must equip each pressure relief device with a device(s) or use a monitoring system that is capable of:

- a. Identifying the pressure release;
- b. Recording the time and duration of each pressure release; and
- c. Notifying operators immediately that a pressure release is occurring.

23. 40 C.F.R. §§ 63.121 and 63.1312 defines “in organic HAP service” as meaning a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by

weight of total organic HAP's as determined according to the provisions of § 63.180(d) of this subpart. The provisions of § 63.180(d) of this subpart also specify how to determine that a piece of equipment is not in organic HAP service.

24. 40 C.F.R. §§ 63.121 and 63.1312 defines "pressure relief device" as meaning a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment. A common pressure relief device is a spring-loaded pressure relief valve. Devices that are actuated either by a pressure of less than or equal to 2.5 psig or by a vacuum are not pressure relief devices.

25. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$57,617 per day of violation up to a total of \$446,456 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

26. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

27. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

### Factual Allegations and Alleged Violations

28. INEOS ABS owns and operates a plastic polymer manufacturing plant located at 356 Three Rivers Parkway, Addyston, Ohio (Facility).

29. At all times relevant to this Order, INEOS ABS was, and is, a “person,” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

30. At all times relevant to this Order, INEOS ABS’s Facility was, and is, a major source of HAPs, as defined in Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1) and 40 C.F.R. § 63.2.

31. At all times relevant to this Order, INEOS ABS’s Facility contained “chemical manufacturing processing units” meeting all criteria specified in 40 C.F.R. § 63.100(b)(1), (b)(2), and (b)(3).

32. At all times relevant to this Order, INEOS ABS’s Facility contained affected pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems in organic HAP service 300 hours or more during the calendar year.

33. At all times relevant to this Order, INEOS ABS’s Facility contained affected emission points and equipment associated with each applicable group of one or more TPPUs as specified in 40 C.F.R. § 63.1310 (a)(4)(i) through (vi). See 40 C.F.R. § 63.1310(a).

34. At all times relevant to this Order, INEOS ABS was, and is, an “owner” and an “operator” as those terms are defined in Section 112 of the CAA, 42 U.S.C. § 7412, and 40 C.F.R. § 63.2, of: 1) a “chemical manufacturing process unit” subject to the Hazardous Organic

NESHAP, Subparts F, G, and H; and 2) TPPUs and associated equipment which are “affected sources” subject to the Group IV Polymers and Resin NESHAP.

35. To comply with the 2014 update to the pressure relief device monitoring provisions of the Group IV Polymers and Resins NESHAP, on March 27, 2014, INEOS ABS completed installation of vibration sensors on its pressure relief valves (PRV) at the Facility to monitor the occurrence of pressure release events, including the sensor on a Butyl Stearate/Styrene Tank that was installed on December 1, 2021.

36. From August 26 through August 28, 2019, EPA inspected INEOS ABS’s Facility (the Inspection). The Inspection focused on Leak Detection and Repair (LDAR) and EPA used Toxic Vapor Analyzers to conduct Method 21 Monitoring at the Facility on August 27, 2019, and August 28, 2019.

37. EPA requested and received documents from INEOS ABS during the Inspection, including documents from the LDAR database for the Facility.

38. On November 23, 2020, EPA issued an information request to INEOS ABS pursuant to Section 114 of the CAA, 42 U.S.C. § 7414. EPA requested information concerning: 1) INEOS ABS’s LDAR program and LDAR database, including equipment monitoring and repair data; and 2) INEOS ABS’s acrylonitrile monitoring data. On January 22, 2021, INEOS ABS submitted a response to the EPA’s information request.

39. On July 12, 2021, EPA issued a finding of violation (FOV) to INEOS ABS alleging that it violated the Hazardous Organic NESHAP at 40 C.F.R. §§ 63.168(c), 63.174(b)(3)(i), and 63.119 and the Group IV Polymers and Resin NESHAP at 40 C.F.R. § 63.1331(a)(9)(iii)(A) and 40 C.F.R. § 63.1311(d)(7), by: 1) failing to perform quarterly monitoring for 12 valves on the DN3



catalyst supply line for the quarters ending on March 31, 2017, March 31, 2018, and December 31, 2018; 2) failing to perform monitoring within the first three months of being returned to organic hazardous air pollutant service for 26 connectors during January 21, 2017-February 10, 2017, January 17, 2018-February 7, 2018, September 23, 2018-October 4, 2018, and October 26, 2018-November 20, 2018; 3) failing to capture and control emissions from its A13 and C5 (T005, T011 tanks on seven occasions between August 28, 2019 to December 2, 2020; 4) failing to operate four pressure relief devices in gas/vapor service with an instrument reading of less than 500 ppm above background on seven occasions between August 28, 2019 through December 2, 2020; and 5) failing to have identified by March 27, 2017, each piece of equipment in a process unit to which the Group IV Polymers and Resins NESHAP applies, including PRVs and sensors.

40. On August 26, 2021, representatives of INEOS ABS and EPA discussed the July 12, 2021, FOV.

41. Following exchanges of information with INEOS ABS that clarified INEOS ABS's operations, EPA has revised the allegations set forth in Paragraph 39, above. EPA alleges that INEOS ABS violated the Hazardous Organic NESHAP at 40 C.F.R. §§ 63.168(c), 63.174(b)(3)(i), 63.172(m) and the Group IV Polymers and Resin NESHAP at 40 C.F.R. § 63.1331(a)(9)(iii)(A) and 40 C.F.R. § 63.1311(d)(7), by: 1) failing to perform quarterly monitoring for 12 valves on the DN3 catalyst supply line for the quarters ending on March 31, 2017, March 31, 2018, and December 31, 2018; 2) failing to perform annual monitoring for 26 connectors in 2017 and 2018 3) failing to operate a closed-vent system for one PRV, Tag ID 12554 on August 25, 2020; and 4) and failing to have identified by March 27, 2017, each piece of equipment in a process unit to

which the Group IV Polymers and Resins NESHAP applies, including PRVs and sensors, specifically failing to install one vibration sensor on a Butyl Stearate/Styrene Tank by the required date.

42. On the basis of the information available to it, as set forth in Paragraph 41, above, EPA finds that INEOS ABS violated the Hazardous Organic NESHAP at 40 C.F.R. §§ 63.168(c) 63.174(b)(3)(i) and 63.172(m).

43. On the basis of the information available to it, as set forth in Paragraph 41, EPA finds that INEOS ABS violated the Group IV Polymers and Resin NESHAP at 40 C.F.R. § 63.1331(a)(9)(iii)(A) and 40 C.F.R. § 63.1311(d)(7).

#### **Civil Penalty**

44. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and the facts of this case, Complainant has determined that an appropriate civil penalty to settle this action is \$181,420.

45. Penalty Payment. Respondent agrees to:
- a. pay the civil penalty of \$181,420 within 30 days after the effective date of this CAFO.
  - b. Pay the civil penalty using any method provided in the table below.

Payment Method	Payment Instructions
<p>Automated Clearinghouse (ACH) payments made through the US Treasury</p>	<p>US Treasury REX/Cashlink ACH Receiver            ABA: 051036706            Account Number: 310006, Environmental Protection Agency            CTX Format Transaction Code 22 – checking</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number.</p>
<p>Wire transfers made through Fedwire</p>	<p>Federal Reserve Bank of New York            ABA: 021030004            Account Number: 68010727            SWIFT address: FRNYUS33            33 Liberty Street            New York, NY 10045            Beneficiary: US Environmental Protection Agency</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.</p>
<p>Payments made through <a href="http://Pay.gov">Pay.gov</a></p> <p>Payers can use their credit or debit cards (Visa, MasterCard, American Express &amp; Discover) as well as checking account information to make payments.</p>	<ul style="list-style-type: none"> <li>• Go to <a href="http://Pay.gov">Pay.gov</a> and enter “SFO 1.1” in the form search box on the top left side of the screen.</li> <li>• Open the form and follow the on-screen instructions.</li> <li>• Select your type of payment from the "Type of Payment" drop down menu.</li> <li>• Based on your selection, the corresponding line will open and no longer be shaded gray. Enter the CAFO docket number into the field</li> </ul>
<p>Cashier’s or certified check payable to “Treasurer, United States of America.”</p> <p>Please notate the CAFO docket number on the check</p>	<p>For <b>standard delivery</b>:            U.S. Environmental Protection Agency            Fines and Penalties            Cincinnati Finance Center            P.O. Box 979078            St. Louis, Missouri 63197-9000</p> <p>For <b>signed receipt confirmation</b> (FedEx, UPS, Certified Mail, etc):            U.S. Environmental Protection Agency            Government Lockbox 979078            U.S. EPA Fines and Penalties            1005 Convention Plaza            SL-MO-C2-GL            St. Louis, Missouri 63101</p>

46. Within 24 hours of the payment of the civil penalty Respondent must send a notice of payment and states Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[R5airenforcement@epa.gov](mailto:R5airenforcement@epa.gov)

Mary McAuliffe  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[mcauliffe.mary@epa.gov](mailto:mcauliffe.mary@epa.gov)

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

47. This civil penalty is not deductible for federal tax purposes.

48. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

49. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is

overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

42 U.S.C. § 7413(d)(5).

50. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at [wise.milton@epa.gov](mailto:wise.milton@epa.gov), within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of a TIN issued by the IRS.

#### **General Provisions**

51. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [mcauliffe.mary@epa.gov](mailto:mcauliffe.mary@epa.gov) (for Complainant), and [Daniel.eckerle@ineos.com](mailto:Daniel.eckerle@ineos.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

52. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

53. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

54. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in Paragraph 52, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

55. Respondent certifies that it is complying fully with the Hazardous Organic NESHAP at 40 C.F.R. §§ 63.168(c) 63.174(b)(3)(i) and 63.172(m), and the Group IV Polymers and Resin NESHAP at 40 C.F.R. § 63.1331(a)(9)(iii)(A) and 40 C.F.R. § 63.1311(d)(7).

56. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

57. The terms of this CAFO bind Respondent, its successors and assigns.

58. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

59. Each party agrees to bear its own costs and attorney’s fees in this action.

60. This CAFO constitutes the entire agreement between the parties.

**Consent Agreement and Final Order  
In the Matter of: INEOS ABS USA LLC**

**INEOS ABS USA LLC, Respondent**

8/27/2024

Date



Chris Robbins, Vice President of Operations, Polymers, Americas  
INEOS ABS (USA) LLC

8/27/2024

Date



Brian Lucas, Site Director  
INEOS ABS (USA) LLC



**Consent Agreement and Final Order  
In the Matter of: INEOS ABS (USA) LLC**

**United States Environmental Protection Agency, Complainant**

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Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order  
In the Matter of: INEOS ABS (USA) LLC  
Docket No. CAA-05-2024-0054**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5