

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

INEOS Composites US, LLC
2650 Neville Road
Pittsburgh, PA 15225

Violation No. 230601

Violations of Article XXI (“Air
Pollution Control”) at property:

INEOS Composites US, LLC

ENFORCEMENT ORDER

NOW, this 21st day of June, 2023, the Allegheny County Health Department (hereinafter “ACHD” or the “Department”) issues this Enforcement Order, after it has found and determined the following:

AUTHORITY

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. Sections 7401-7671q (hereinafter “CAA”), and the Pennsylvania Air Pollution Control Act, 35 P.S. Sections 4001-4014 (hereinafter “APCA”), and the ACHD is a local health agency organized under Local Health Administration Law, Act 315 of August 24, 1951, P.L. 1304, as amended, 16 Pa.C.S. §12001 et seq. whose duties include the enforcement of laws relating to public health within Allegheny County, including the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapters 505, 507, and 535) (“Article XXI”).

VIOLATION ONE: FAILURE TO REPORT A BREAKDOWN

2. On August 31, 2019, ACHD issued Amended Operating Permit No. 0037b (hereinafter “OP 0037b”) to INEOS Composites US, LLC (hereinafter “INEOS”) for the Neville Island facility.

3. OP 0037b Condition IV.8.a and Article XXI §2108.01.c state, “In the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this permit, or of causing the emission into the open air of potentially toxic or hazardous materials, the person responsible for such equipment or source shall immediately, but in no event later than sixty (60) minutes after the commencement of the breakdown, notify the Department of such breakdown and shall, as expeditiously as possible but in no event later than seven (7) days after the original notification, provide written notice to the Department.”

4. Condition V.I.1.c of OP 0037b states, “Maleic anhydride shall only be stored in tanks F-4506 and F-4602 at or below 149° F.”

5. On April 14, 2022, at 10:07 AM, during an on-site inspection at the Neville Island Facility, the ACHD inspector observed the temperature of Maleic Anhydride Storage Tank F-4602, as read on a display on the outside of the tank, at 70° C, or 158° F.

6. Plant personnel stated that the incident was due to a steam bypass valve being open that was supposed to be closed. They stated that the previous day, April 13, 2022, they had observed the temperature at 72° C, or 162° F. Plant personnel stated their belief that they were not required to report the incident as a breakdown because it was due to human error.

7. Article XXI, §2101.20, “Definitions,” defines a breakdown as “... any sudden or unexpected event which has the effect of causing any air pollution control equipment, process equipment or any other potential source of air contaminants to fail, malfunction or otherwise abnormally operate in such manner that emissions into the open air are, or may be, increased.”

Thus, human error resulting in a condition where emissions may be increased is reportable as a breakdown.

8. INEOS did not report the temperature exceedance for Maleic Anhydride Storage Tank F-4602 within sixty (60) minutes of occurrence as required under OP 0037b Condition IV.8.a.

9. INEOS did not submit a written report within seven (7) days of occurrence as required under OP 0037b Condition IV.8.a.

10. To date, ACHD has not received a written report for the temperature exceedance for Maleic Anhydride Storage Tank F-4602 observed by the ACHD inspector on April 14, 2022.

11. ACHD has determined that INEOS has violated Article XXI, § 2108.01.c of the ACHD's Rules and Regulations for failing to report the subject incident as a breakdown to ACHD within 60 minutes of occurrence and failing to submit a written report within seven (7) days of occurrence.

**VIOLATION TWO: FAILURE TO KEEP DAILY PRODUCTION OR
MONOMER USAGE RECORDS**

12. On January 30, 2003, ACHD issued the Amended Installation Permit No. 0037-I001a to Ashland Chemical Company, which now operates as INEOS for the Neville Island facility.

13. Article XXI, § 2103.12.a.2.H, states, "...The Department has the authority to require, in the Installation Permit, reasonable monitoring, recordkeeping and reporting requirements for sources which emit hazardous air pollutants."

14. IP 0037-I001a condition V.A.4.b states, "Daily production records for each type of Polyester Resin produced and records of daily hours of operation shall be maintained."

15. OP 0037b incorporates IP 0037-I001a V.A.4.b requirements in OP 0037b Condition V.A.4.a.

16. OP 0037b Condition V.A.4.a. states, “The permittee shall keep and maintain the following data: Polyester resins plant production for each type of polyester resin, name and amount of monomer introduced into the process and plant hours of operation (daily; monthly summary and 12-month rolling total).”

17. ACHD had requested that, during the April 14, 2022 on-site inspection, INEOS make available data of daily plant production and the amount of each monomer used for September 2020 and September 2021 (electronic mail correspondence, G. Fischman, ACHD, to D. Shingleton, INEOS, April 12, 2022).

18. During the on-site inspection, plant personnel indicated that they were not keeping and did not believe they were required to keep daily production or monomer usage records.

19. ACHD has determined that INEOS has violated Article XXI, § 2103.12.a.2.H and OP 0037b Condition V.A.4.a of the ACHD’s Rules and Regulations for failing to keep daily production or monomer usage records.

ORDER

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI, §§ 2109.02, 2109.06, 2109.03., and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** that:

20. INEOS shall report any breakdowns that occur as a result of human error.

21. Within 30 days of receipt of this order, INEOS shall begin to keep daily production or monomer usage records. INEOS shall report the daily production or monomer usage in the next two Semi Annual reports due July 31, 2023 and February 1, 2024

22. For the violations set forth in the preceding paragraphs, INEOS is hereby assessed a civil penalty of **THREE THOUSAND FOUR HUNDRED TEN DOLLARS** (\$3,410.00), which INEOS must pay within thirty (30) days of receipt of this Order. The civil penalty is as follows:

A. Gravity Based Component

Violation	Gravity Based Penalty	Violation Days	Total Gravity Penalty
Failure to Report a Breakdown	\$900.00	1	\$ 900.00
Recordkeeping	\$1,300.00	1	\$1,300.00
Gravity Component Subtotal			\$2,200.00

B. Adjustment Factors

Degree of Cooperation

Personnel did not understand the permit requirements and failed to submit breakdown report when informed of requirement by ACHD \$ 220.00

Compliance History: \$ 550.00

1 Issued violation in last 2 years

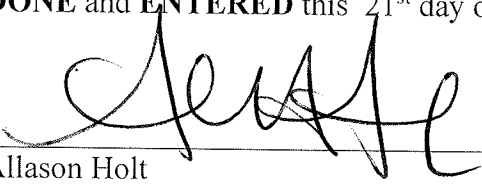
Title V Source: \$ 440.00

TOTAL CIVIL PENALTY **\$3,410.00**

23. Please be advised that failure to comply with this Order within the times specified herein is a violation of Article XXI giving rise to the remedies provided by Article XXI § 2109.02 including civil penalties of up to \$25,000 per violation per day.

24. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations and Article XXI, §§ 2109.06, 2109.10, you are notified that, if you are aggrieved by this Order, you have thirty (30) days from the date of receipt of this Order in which to file an appeal. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless you allege financial inability to prepay the penalty or to post the appeal bond. If you allege financial inability to prepay or post, then you have the burden to prove it. A copy of Article XI and Article XXI may be found at: <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

DONE and ENTERED this 21st day of June, 2023, in Allegheny County, Pennsylvania.



Allason Holt
Air Quality
Compliance and Enforcement Program Manager

6/21/2023
Date