



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.in.gov

Mike Braun
Governor

Clint Woods
Commissioner

August 20, 2025

VIA ELECTRONIC MAIL:

Niall McConville, President
SABIC Innovative Plastics US LLC
1 Lexan Lane
Mount Vernon, IN 47620
niall.mcconville@sabic.com

Re: Commissioner of the Department of
Environmental Management
v.
SABIC Innovative Plastics US LLC
Plant ID No. 129-00002
Mount Vernon, Posey County
Case No. 2024-29974-A

Qualified offer of settlement: inadmissible pursuant to Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

Dear Mr. McConville:

Enclosed please find the proposed Agreed Order, that provides for the actions required to correct the violations identified in the Findings of Fact. The civil penalty noted in the proposed Agreed Order is for settlement purposes only. Entering into and timely compliance with the enclosed Agreed Order will constitute resolution of this case.

If you are willing to resolve this matter as provided for in the enclosed Agreed Order, sign and return it to me at the address specified in the Agreed Order within fifteen (15) days of your receipt of the Agreed Order. The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. If you would like to schedule a meeting to discuss the Agreed Order in more detail, please contact me as soon as possible at (317) 234-3996 or jbailey2@idem.in.gov.

Visit on.in.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



If this matter cannot be resolved through the enclosed Agreed Order or a mutually acceptable amended Agreed Order, a Commissioner's Order may be issued. It should be understood that the civil penalty for purposes of a Commissioner's Order will be assessed pursuant to IDEM's Civil Penalty Policy adopted as a Nonrule Policy Document on April 5, 1999.

Thank you for your cooperation in this matter.

Sincerely,



Jennifer Bailey
Senior Case Manager
Enforcement Section
Office of Air Quality

Enclosure

cc: Tuyen Nguyen, SABIC Innovative Plastics Mt. Vernon LLC,
Tuyen.Nguyen@sabic.com
Patrick Sullivan, SABIC Innovative Plastics Mt. Vernon LLC,
Patrick.Sullivan@sabic.com
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Nathan Frank, US EPA Region 5
Jennifer Bailey, Compliance and Enforcement Branch, OAQ
Daniel Roos, Compliance and Enforcement Branch, OAQ
Randall Hoffman, Compliance and Enforcement Branch, OAQ



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(800) 451-8027 • (317) 232-8803 • Fax (317) 233-8847 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

STATE OF INDIANA)	SS:	BEFORE THE INDIANA DEPARTMENT
)		OF
COUNTY OF MARION)		ENVIRONMENTAL MANAGEMENT
COMMISSIONER OF THE DEPARTMENT)		
OF ENVIRONMENTAL MANAGEMENT,)		
)		
)	Complainant,	
)		
)	v.	Case No. 2024-29974-A
)		
SABIC INNOVATIVE PLASTICS)		
US LLC,)		
)	Respondent.	

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code ("IC") 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is SABIC Innovative Plastics US LLC ("Respondent"), which owns and operates the stationary plastics manufacturing plant with Plant ID No. 129-00002, located at 1 Lexan Lane, in Mount Vernon, Posey County, Indiana ("Site").
3. IDEM has jurisdiction over the parties and the subject matter of this action.

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



4. By email dated February 25, 2025, Respondent waived issuance of a Notice of Violation ("NOV") and the settlement period of sixty (60) days, as provided for by IC 13-30-3-3, for the violations described in the Findings of Fact, Paragraph No. 5.
5. During an investigation including report reviews conducted by a representative of IDEM, the following violations were found:
 - a. Pursuant to Part 70 Operating Permit 129-44376-00002 ("Permit") Condition E.3.3, instead of complying with the provisions of Condition E.3.2, Respondent may elect to designate either or both of the Group 2 process vents C-650 and E-429 as HON Group 1 process vents and comply with the alternative operating scenario of this condition. If this alternative is chosen, pursuant to 40 CFR 63.113(a)(2), the Permittee shall route the designated process vent(s) to the existing PhTCU in order to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent.

Respondent failed to follow the elected alternative operating scenario for C-650 vent stream on May 10, 2022 and June 12, 2022, in violation of Permit Condition E.3.3.

- b. Pursuant to Permit Condition E.3.3 and 40 CFR 63.114(a), each owner or operator of a process vent that uses a combustion device to comply with the requirements in §63.113 (a)(1) or (a)(2) of this subpart, or that uses a recovery device or recapture device to comply with the requirements in §63.113(a)(2) of this subpart, shall install monitoring equipment specified in paragraph (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section, depending on the type of device used. All monitoring equipment shall be installed, calibrated, maintained, and operated according to manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

Respondent failed to conduct the monthly inspection for July 2022 on a car seal device for scrubber Unit C-651, in violation of Permit Condition E.3.3 and 40 CFR 63.114(a).

- c. Pursuant to Permit Condition E.1.4 and 40 CFR 63.112(c): the owner or operator of an existing source shall demonstrate compliance with the emission standard in paragraph (a) of this section by following the procedures specified in paragraph (e) of this section for all emission points, or by following the emissions averaging compliance approach specified in paragraph (f) of this

section for some emission points and the procedures specified in paragraph (e) of this section for all other emission points within the source.

Respondent failed to vent VOCs to control device, Thermal Combustion Unit (TCU), at Phenol Chemical Manufacturing Process Unit (PhCMPU) on April 13, 2022 and November 28, 2022, in violation of Permit Condition E.1.4 and 40 CFR 63.112(c).

- d. Pursuant to Permit Condition E.8.1 and 40 CFR 63, Subpart H, Respondent shall control leaks of organic hazardous air pollutants ("OHAPs") from each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems required by Subpart H.

Respondent failed to seal open-ended valves or lines with a plug, cap, blind flange, or second valve on Phenol CMPU on April 28, 2022, in violation of Permit Condition E.8.1 and 40 CFR 63, Subpart H.

- e. Pursuant to Permit Condition F.2.2(a)(1) and 40 CFR 63.113(a)(2), the Group 1 process vent, H-6060, is controlled by an incinerator to meet these provisions by reducing emissions of total organic hazardous air pollutants by 98 weight-percent or to a concentration of 20 parts per million by volume.

Respondent failed to vent VOCs to control device and failed to reduce emissions of total organic hazardous air pollutants, H-6060 incinerator, at BPA Chemical Manufacturing Process Unit (BpaCMPU) on April 19, 2022, in violation of Permit Condition F.2.2(a)(1) and 40 CFR 63.113(a)(2).

- f. Pursuant to Permit Condition G.1.2 and 40 CFR 63.1107(e), for acrylic and modacrylic fiber production affected sources and polycarbonate production affected sources, except as specified in paragraph (e)(4) of this section, the owner or operator must comply with the requirements specified in paragraphs (e)(1) and (2) of this section for pressure relief devices in organic HAP gas or vapor service. Except as specified in paragraph (e)(4) of this section, the owner or operator of an acrylic and modacrylic fiber production affected source or polycarbonate production affected source must also comply with the requirements specified in paragraph (e)(3) of this section for all pressure relief devices in organic HAP service.

Respondent failed to maintain process to prevent failure of pressure discs in LxrPPPU on seven (7) days during 2022, and in LxrPPPU on November 3, 2022, in violation of Permit Condition G.1.1 and 40 CFR 63.1107(e).

- g. Pursuant to Permit Condition G.5.1(a), 40 CFR 63.190(b) and 40 CFR 63.190(e), the provisions of 40 CFR 63, Subparts H and I apply to the MeCL_Eq as follows: Respondent shall control leaks of methylene chloride from each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system that is associated with the MeCL_Eq according to the following 40 CFR 63, Subpart H applicable requirements.

Respondent failed to seal open-ended valves or lines with a plug, cap, blind flange, or second valve on LxrPPPU MeCL Eq on March 29, 2022 and November 22, 2022, in violation of Permit Condition G.5.1(a), 40 CFR 63.190(b) and 40 CFR 63.190(e).

- h. Pursuant to Permit Condition N.1.4, the requirements of 40 CFR Part 63, Subpart FFFF specified in Sections V.1 and V.2 of this permit apply to the miscellaneous organic chemical manufacturing unit identified as CppMONRes3.

Pursuant to Permit Condition V.1.8 and 40 CFR 63.2480(a), Respondent shall control leaks of HAPs from each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems used to comply with Table 6 to 40 CFR 63, Subpart FFFF.

Respondent failed to seal an open-ended valve or line with a plug, cap, blind flange, or second valve on CppMONRes3 on June 6, 2022, in violation of Permit Conditions N.1.4 and V.1.8 and 40 CFR 63.2480(a).

- i. Pursuant to Permit Condition Q.1.2, the requirements of 40 CFR Part 63, Subpart FFFF specified in Sections V.1 and V.2 of this permit apply to the miscellaneous organic chemical manufacturing units identified as HppMONMon1 and HppMONPol1.

Pursuant to Permit Condition V.1.8 and 40 CFR 63.2480(a), Respondent shall control leaks of HAPs from each pump, compressor, agitator, pressure relief device, sampling connection

system, open-ended valve or line, valve, connector, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems used to comply with Table 6 to 40 CFR 63, Subpart FFFF.

Respondent failed to seal an open-ended valve or line with a plug, cap, blind flange, or second valve on HppMONPol1 on January 26, 2022 and April 20, 2022, in violation of Permit Conditions Q.1.2 and V.1.8, and 40 CFR 63.2480(a).

- j. Pursuant to Permit Condition Q.1.2 and corresponding conditions in previous permits, the requirements of 40 CFR Part 63, Subpart FFFF specified in Sections V.1 and V.2 of this permit apply to the miscellaneous organic chemical manufacturing units identified as HppMONMon1 and HppMONPol1.

Pursuant to Permit Condition V.1.8 and 40 CFR 63.2480(b)(7) and corresponding conditions in previous permits, for each piece of equipment that is subject to Table 6 to this subpart and is also subject to periodic monitoring with EPA Method 21 of 40 CFR part 60, appendix A-7, and is added to an affected source after December 17, 2019, or replaces equipment at an affected source after December 17, 2019, you must initially monitor for leaks within 30 days after August 12, 2020, or initial startup of the equipment, whichever is later.

Respondent failed to identify and to conduct leak monitoring on 181 valves on HppMONPol1 from fourth quarter 2020 through fourth quarter 2022, in violation of Permit Conditions Q.1.2 and V.1.8, and 40 CFR 63.2480(b)(7) and corresponding conditions in previous permits.

- k. Pursuant to Permit Condition Q.2.10(a), pursuant to 326 IAC 3-5 (Continuous Monitoring of Emissions), Respondent shall calibrate, maintain, and operate a continuous monitoring system which meets the performance specifications of 326 IAC 3-5-2 for the NOx Containment System, SC-1/2 vent (13-155).

Respondent failed to validate re-calibration of the NOx Containment Continuous Emissions Monitoring System ("CEMS") which was due to be completed by January 29, 2022, in violation of Permit Condition Q.2.10(a).

- l. Pursuant to Permit Condition W.1.11, pursuant to 326 IAC 3-5 (Continuous Monitoring of Emissions) and 40 CFR 60.48b (Emission Monitoring for Particulate Matter and Nitrogen Oxides)

and in order to demonstrate compliance with Condition W.1.6, a continuous monitoring system that meets the performance specifications of 326 IAC 3-5-2 shall be installed, calibrated, maintained, and operated on the AUX BOILER (and AUX2 BOILER and CG1 BOILER, if W.1.19 elected) for measuring NOx.

Respondent failed to timely conduct Relative Accuracy Test Audit ("RATA") within four calendar quarters for AUX Boiler and AUX2 Boiler, which was required by the end of fourth quarter 2022, in violation of Permit Condition W.1.11.

6. Respondent provided additional corrective action information on April 1, 2024.
7. Orders of the Commissioner are subject to administrative review by the Office of Administrative Law Proceedings under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with the rules and permit conditions listed in the findings of fact above.
3. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Jennifer Bailey, Senior Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, IN 46204-2251
Jbailey2@idem.in.gov
4. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Fifty-Six Thousand Dollars (\$56,000.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the thirtieth day being the "Due Date."

5. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
Indiana Government Center North
100 North Senate Avenue, Room 13E
Indianapolis, IN 46204

6. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund and shall be payable to IDEM in the manner specified in Paragraph 5, above.
7. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
8. This Agreed Order shall apply to and be binding upon Respondent and all successors and assigns. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.
9. No change in ownership, corporate, or partnership status of Respondent shall in any way alter the Respondent's status or responsibilities under this Agreed Order.
10. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
11. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
12. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.

13. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
14. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the violations specified in the NOV.
15. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the U.S. Environmental Protection Agency ("U.S. EPA") or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the U.S. EPA or any other agency or entity.
16. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order and IDEM has issued a Resolution of Case letter to Respondent.

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TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: David P. McIver
David P. McIver
Section Chief
Enforcement Section
Office of Air Quality

Date: March 19, 2025

RESPONDENT:
SABIC Innovative Plastics US LLC

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS _____ DAY OF
_____, 20____.

For the Commissioner:

Matthew Stuckey
Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management