EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0343-AIR-E **TCEQ ID:** RN100217389 **CASE NO.:** 32871

RESPONDENT NAME: Huntsman Petrochemical Corporation

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Huntsman Petrochemical - A&O Plant, 4241 Savannah Avenue, Port Arthur, Jefferson County

TYPE OF OPERATION: Petrochemical manufacturing plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on August 13, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468
Respondent: Mr. Kevin Budd, Site Manager, Huntsman Petrochemical Corporation, P.O. Box 847, Port Neches, Texas 77651-0847
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Dates of Investigations Relating to this Case:** January 4 and February 19, 2007 **Date of NOV/NOE Relating to this Case:** February 28, 2007 (NOE) **Background Facts:** These were routine record reviews. Two violations were documented. **AIR** 1) Failed to prevent unauthorized emissions between February 21 and March 14, 2006 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a) and (c)(7), Flexible Permit No. 16989 and PSD-TX-794, Special Conditions 1 and 27 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to prevent unauthorized emissions on January 12, 2007. These emissions are not authorized by the permit. Since the emissions event was avoidable, Huntsman Petrochemical Corporation failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 16989 and PSD-TX-794, Special Conditions 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $36,300 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $18,150 **Total Paid (Due) to General Revenue:** 18,150 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** Human health and/or environmental receptors have been exposed to pollutants which exceed levels that are protective.	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. With regard to the emissions event that occurred between February 21 and March 14, 2006 (Incident No. 71982), increased water pressure to cease the leak and installed a pump on the cooling water header near the leaking exchanger on March 30, 2006. b. With regard to the emissions event that occurred on January 12, 2007 (Incident No. 85949) appropriate personnel were instructed to follow established procedures for excavation / boring. The Cyclohexane Unit was shutdown until the transfer piping was pigged and tested, repaired, retested, and returned to service. Upon restart of the unit, the shift guidelines specified that operations personnel verify flows into and out of the tanks during all transfers. Corrective actions were completed on February 2, 2007. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

Attachment A
Docket Number: 2007-0343-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Huntsman Petrochemical Corporation**
Payable Penalty Amount:	**Thirty-Six Thousand Three Hundred Dollars ($36,300)**
SEP Amount:	**Eighteen Thousand One Hundred Fifty Dollars ($18,150)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program**
Location of SEP:	**Jefferson County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision January 9, 2007*

DATES					
Assigned	5-Mar-2007				
PCW	9-Mar-2007	Screening	7-Mar-2007	EPA Due	25-Nov-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Huntsman Petrochemical Corporation		
Reg. Ent. Ref. No.	RN100217389		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32871	No. of Violations	2
Docket No.	2007-0343-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$20,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 188% Enhancement — *Subtotals 2, 3, & 7* **$37,600**

Notes: Penalty enhancement due to three NOVs issued for same or similar violations, three NOVs issued for non-similar violations (which includes one self-reported effluent violation), three Agreed Orders with denial of liability, three Agreed Orders without denial of liability, and one Court Order without denial of liability. Penalty reduction due to three notice of audit letters submitted.

Culpability — No — 0% Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 25% Reduction — *Subtotal 5* **$5,000**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent completed corrective actions on February 2, 2007.

0% Enhancement* — *Subtotal 6* **$0**

Total EB Amounts: $12
Approx. Cost of Compliance: $3,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$52,600**

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount **$52,600**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$36,300**

DEFERRAL — 0% Reduction — *Adjustment* **$0**

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$36,300**

Screening Date	7-Mar-2007	**Docket No.** 2007-0343-AIR-E	**PCW**
Respondent	Huntsman Petrochemical Corporation		*Policy Revision 2 (September 2002)*
Case ID No.	32871		*PCW Revision January 9, 2007*
Reg. Ent. Reference No.	RN100217389		
Media [Statute]	Air Quality		
Enf. Coordinator	Trina Grieco		

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	3	15%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	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	3	75%
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 (*number of judgements or consent decrees meeting criteria*)	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	1	35%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
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) 188%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to three NOVs issued for same or similar violations, three NOVs issued for non-similar violations (which includes one self-reported effluent violation), three Agreed Orders with denial of liability, three Agreed Orders without denial of liability, and one Court Order without denial of liability. Penalty reduction due to three notice of audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 188%

Screening Date 7-Mar-2007 **Docket No.** 2007-0343-AIR-E **PCW**

Respondent Huntsman Petrochemical Corporation *Policy Revision 2 (September 2002)*

Case ID No. 32871 *PCW Revision January 9, 2007*

Reg. Ent. Reference No. RN100217389

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a) and (c)(7), Flexible Permit No. 16989 and PSD-TX-794, Special Conditions 1 and 27 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 35,705 pounds ("lbs") of volatile organic compounds ("VOCs") were released between February 21 and March 14, 2006 from the LOU Cooling Tower (Emission Point Number LOUCOOLTWR) due to a leak in the Cracked Gas Exchanger (Incident No. 71982).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed 21.31 tons of VOCs which exceeded levels that are protective of human health or environmental receptors.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1 — 21 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $26,300

This violation Final Assessed Penalty (adjusted for limits) $26,300

Economic Benefit Worksheet

Respondent Huntsman Petrochemical Corporation
Case ID No. 32871
Reg. Ent. Reference No. RN100217389
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,500	21-Feb-2006	30-Mar-2006	0.1	$8	n/a	$8

Notes for DELAYED costs: Estimated expense to implement measures designed to prevent the recurrence of unauthorized emissions due to the same cause. Date required based on the first day of the release. Final date based on the date that corrective actions were completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $1,500

TOTAL $8

Screening Date	7-Mar-2007	**Docket No.** 2007-0343-AIR-E	**PCW**
Respondent	Huntsman Petrochemical Corporation		*Policy Revision 2 (September 2002)*
Case ID No.	32871		*PCW Revision January 9, 2007*
Reg. Ent. Reference No.	RN100217389		
Media [Statute]	Air Quality		
Enf. Coordinator	Trina Grieco		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 16989 and PSD-TX-794, Special Conditions 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 67,457 lbs of cyclohexane were released from a transfer line in the Cyclohexane Unit during an emissions event that occurred on January 12, 2007 and lasted 24 hours (Incident No. 85949). These emissions are not authorized by the permit. Since the emissions event was avoidable, Huntsman Petrochemical Corporation failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed 33.73 tons of cyclohexane (a VOC) which exceeded levels that are protective of human health or environmental receptors.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	1
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $26,300

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Huntsman Petrochemical Corporation
Case ID No. 32871
Reg. Ent. Reference No. RN100217389
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,500	12-Jan-2007	2-Feb-2007	0.1	$4	n/a	$4
Notes for DELAYED costs	Estimated expense to implement measures designed to prevent the recurrence of emissions events due to the same cause. Date required based on the date the event occurred. Final date based on the date that corrective actions were completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,500

TOTAL $4

Compliance History

Customer/Respondent/Owner-Operator:	CN600632848	Huntsman Petrochemical Corporation	Classification: AVERAGE	Rating: 5.64
Regulated Entity:	RN100217389	HUNTSMAN PETROCHEMICAL - A&O PLANT	Classification: AVERAGE	Site Rating: 29.87

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0135Q
AIR OPERATING PERMITS	PERMIT	1317
WASTEWATER	PERMIT	WQ0003057000
WASTEWATER	PERMIT	TPDES0105287
WASTEWATER	PERMIT	TX0105287
AIR NEW SOURCE PERMITS	PERMIT	3305
AIR NEW SOURCE PERMITS	PERMIT	3306
AIR NEW SOURCE PERMITS	PERMIT	3525
AIR NEW SOURCE PERMITS	PERMIT	4947
AIR NEW SOURCE PERMITS	PERMIT	16989
AIR NEW SOURCE PERMITS	PERMIT	42278
AIR NEW SOURCE PERMITS	PERMIT	48586
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0135Q
AIR NEW SOURCE PERMITS	PERMIT	52120
AIR NEW SOURCE PERMITS	REGISTRATION	54780
AIR NEW SOURCE PERMITS	REGISTRATION	54845
AIR NEW SOURCE PERMITS	REGISTRATION	55149
AIR NEW SOURCE PERMITS	REGISTRATION	55150
AIR NEW SOURCE PERMITS	REGISTRATION	55148
AIR NEW SOURCE PERMITS	REGISTRATION	75753
AIR NEW SOURCE PERMITS	REGISTRATION	76098
AIR NEW SOURCE PERMITS	REGISTRATION	75685
AIR NEW SOURCE PERMITS	REGISTRATION	76342
AIR NEW SOURCE PERMITS	REGISTRATION	75824
AIR NEW SOURCE PERMITS	AFS NUM	4824500082
AIR NEW SOURCE PERMITS	REGISTRATION	56739
AIR NEW SOURCE PERMITS	PERMIT	56282
AIR NEW SOURCE PERMITS	PERMIT	70191
AIR NEW SOURCE PERMITS	REGISTRATION	70231
AIR NEW SOURCE PERMITS	REGISTRATION	70256
AIR NEW SOURCE PERMITS	REGISTRATION	70435
AIR NEW SOURCE PERMITS	REGISTRATION	70504
AIR NEW SOURCE PERMITS	REGISTRATION	70780
AIR NEW SOURCE PERMITS	REGISTRATION	71465
AIR NEW SOURCE PERMITS	REGISTRATION	71484
AIR NEW SOURCE PERMITS	REGISTRATION	71742
AIR NEW SOURCE PERMITS	REGISTRATION	72235
AIR NEW SOURCE PERMITS	PERMIT	56574
AIR NEW SOURCE PERMITS	PERMIT	52327
AIR NEW SOURCE PERMITS	PERMIT	54846
AIR NEW SOURCE PERMITS	REGISTRATION	72282
AIR NEW SOURCE PERMITS	REGISTRATION	72541
AIR NEW SOURCE PERMITS	REGISTRATION	73136
AIR NEW SOURCE PERMITS	REGISTRATION	73618
AIR NEW SOURCE PERMITS	REGISTRATION	73892
AIR NEW SOURCE PERMITS	REGISTRATION	73988
AIR NEW SOURCE PERMITS	REGISTRATION	74299
AIR NEW SOURCE PERMITS	REGISTRATION	74779
AIR NEW SOURCE PERMITS	REGISTRATION	74850
AIR NEW SOURCE PERMITS	REGISTRATION	75061
AIR NEW SOURCE PERMITS	REGISTRATION	75259
AIR NEW SOURCE PERMITS	REGISTRATION	75258
AIR NEW SOURCE PERMITS	REGISTRATION	76405
AIR NEW SOURCE PERMITS	REGISTRATION	76648
AIR NEW SOURCE PERMITS	PERMIT	79802
AIR NEW SOURCE PERMITS	REGISTRATION	80420
AIR NEW SOURCE PERMITS	REGISTRATION	80563
AIR NEW SOURCE PERMITS	REGISTRATION	80894
AIR NEW SOURCE PERMITS	REGISTRATION	81224

Location: 4241 SAVANNAH AVE, PORT ARTHUR, TX, 77640 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 06, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 06, 2002 to March 06, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/13/2003 COURTORDER

Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)
Description: Water separatn/record keeping

Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(C)
Description: Vent Gas Cntrl/recordkeeping.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
Description: Neshap Standards

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Special conditions.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)(C)
Description: Vent Gas Cntrl/Cntrl req.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions

Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 101, SubChapter A 101.7(a)
Description: Failure to maintain carbon canisters.

Classification: Moderate
Citation: 40 CFR Chapter 302, SubChapter J, PT 302 302.6(a)
Description: Failure to notify national response center (NCR)

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: VOC storage/control req - special conditions

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: NESHAP Standards - Special conditions

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
Description: VOC storage/control req.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.120
Description: NESHAP Standards
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
Description: VOC storage/control req
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)[G]
Description: Permit amendments
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.116(a)[G]
Description: Permit to construct - permit amendments
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)[G]
Description: Permit amendments
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Special conditions
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: NESHAP Standards - Special Conditions
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Special Conditions
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special Conditions
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Notification - Major upsets
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Unauth Emissions civil

Effective Date: 06/12/2003 ADMINORDER 2001-0638-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 PERMIT
SC 20 PERMIT
Description: Released approx 55.88 lbs of benzene, 1.3 butadiene, 5991.8 lbs of ethylene, and 437.6 lbs of NOx to the atmosphere from the LOU flare on 1/3/01 and failed to limit visible emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 PERMIT
SC 20 PERMIT
Description: Released 157 lbs of propylene, 23 lbs of butylene, 26 lbs of benzene, 22 lbs of 1,3 butadiene, 4935 lbs of ethylene, 606 lbs NOx and 4378 lbs of CO from the LOU Flare on 7/25/01.

Effective Date: 08/07/2003 ADMINORDER 2002-1431-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
SC10 PERMIT
Description: Failure to maintain an emission rate below the allowable limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to include all required information when notifying the agency of a reportable emissions event caused by the boiler feed water pump shutdown which occurred on 10/7/02.

Effective Date: 07/15/2005 ADMINORDER 2004-0518-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to satisfy the initial and final reporting requirements for a reportable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 16989/PSD-TX-794, SC 1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 16989 / PSD-TX-794 PERMIT
Description: Failure to maintain an emission rate below the allowable limit for the light olefins Unit (LOU) Flare.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for the boiler feedwater pumps LOUflare.

Effective Date: 06/15/2006 ADMINORDER 2005-1774-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the LOU Flare (EPN - LOUFLARE).

Effective Date: 10/02/2006 ADMINORDER 2006-0512-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794 / SC 27 PERMIT
16989 and PSD-TX-794 / SC1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent a nuisance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with emissions limitations.

Effective Date: 12/02/2006 ADMINORDER 2005-0926-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain emission rates below the allowable limits for 14 incidents (Nos. 25731, 27057, 30707,31311, 32702, 34503, 40721, 25734, 30674, 32709, 43499, 31309 & 34502) NOW EIGHT. Special Condition 1 of permit limits the Carbon Monoxide (CO) and the Nitrogen Oxide (NOx) and VOC emission cap rate. A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions for 4 [now 3] incidents (Numbers 29303, 29945, 33470 [dropped], & 44032). A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit of VOC and of Benzene for Incident 44200. Special Condition 1 of Permit 16989 / PSD-TX-794 limits the Volatile Organic Compound (VOC) emission cap rate. A8c2Aii

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ Beaumont Regional Office no later than 24 hours after the discovery of a reportable emission event for Incident Numbers 30674 & 30707. C3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for Incident 29181. Special Condition 1 of Permit 16989 / PSD-TX-794 limits the Volatile Organic Compound (VOC) emission cap rate. A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions; Incident Nos. 50480 and 50486 relating to both VOC and non-VOC emissions above limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 & 27 PERMIT

Description: Failed to maintain an emission rate below the permitted limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emissions limits.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1 03/25/2002 (224049)
2 04/24/2002 (224052)
3 05/22/2002 (224055)
4 06/24/2002 (224057)
5 07/24/2002 (4681)
6 07/24/2002 (4685)

7	07/26/2002	(224059)
8	08/23/2002	(224061)
9	08/26/2002	(9337)
10	09/25/2002	(11296)
11	09/25/2002	(224063)
12	10/15/2002	(12015)
13	10/15/2002	(11345)
14	10/15/2002	(11440)
15	10/15/2002	(11999)
16	10/15/2002	(12032)
17	10/15/2002	(11929)
18	10/15/2002	(12429)
19	10/24/2002	(224066)
20	10/28/2002	(11380)
21	11/22/2002	(224068)
22	12/12/2002	(16979)
23	12/13/2002	(16895)
24	12/18/2002	(18767)
25	12/27/2002	(224071)
26	12/30/2002	(15509)
27	01/22/2003	(21307)
28	01/24/2003	(224074)
29	02/24/2003	(224047)
30	03/24/2003	(224050)
31	04/03/2003	(27192)
32	04/25/2003	(224053)
33	05/27/2003	(323050)
34	06/13/2003	(37851)
35	06/17/2003	(113070)
36	06/24/2003	(323051)
37	06/26/2003	(35650)
38	07/24/2003	(323052)
39	08/12/2003	(145852)
40	08/25/2003	(323053)
41	08/29/2003	(145670)
42	08/29/2003	(150916)
43	09/25/2003	(323054)
44	10/16/2003	(249969)
45	10/24/2003	(323055)
46	11/17/2003	(255097)
47	11/24/2003	(323056)
48	12/11/2003	(253069)
49	12/22/2003	(257174)
50	12/29/2003	(323057)
51	01/27/2004	(323058)
52	02/18/2004	(257798)
53	02/18/2004	(257555)
54	02/24/2004	(323047)
55	03/05/2004	(258707)
56	03/25/2004	(323048)
57	03/30/2004	(264152)
58	04/26/2004	(323049)
59	04/27/2004	(267489)
60	05/12/2004	(257799)
61	05/24/2004	(364434)
62	06/23/2004	(364435)
63	07/07/2004	(278431)
64	07/07/2004	(278433)
65	07/07/2004	(278544)
66	07/07/2004	(278545)
67	07/07/2004	(278434)
68	07/12/2004	(278543)
69	07/13/2004	(257800)
70	07/22/2004	(364436)
71	07/23/2004	(284067)
72	08/24/2004	(364437)
73	09/30/2004	(364438)
74	10/13/2004	(291185)

75	10/22/2004	(292535)
76	10/25/2004	(364439)
77	11/23/2004	(337200)
78	11/29/2004	(388763)
79	12/21/2004	(343764)
80	12/27/2004	(388764)
81	01/25/2005	(388765)
82	01/26/2005	(344557)
83	01/31/2005	(347316)
84	02/23/2005	(388761)
85	03/22/2005	(388762)
86	04/26/2005	(426339)
87	04/28/2005	(337253)
88	04/29/2005	(371588)
89	05/24/2005	(426340)
90	06/15/2005	(376683)
91	06/16/2005	(426341)
92	07/15/2005	(394390)
93	07/22/2005	(446662)
94	07/26/2005	(400177)
95	07/26/2005	(401118)
96	08/02/2005	(394561)
97	08/14/2005	(379713)
98	08/19/2005	(379633)
99	08/23/2005	(446663)
100	09/20/2005	(446664)
101	10/26/2005	(479516)
102	11/15/2005	(418534)
103	11/22/2005	(479517)
104	12/02/2005	(405596)
105	12/09/2005	(435983)
106	12/15/2005	(435695)
107	12/27/2005	(479518)
108	01/27/2006	(479519)
109	02/27/2006	(479515)
110	04/21/2006	(505237)
111	04/24/2006	(505238)
112	04/26/2006	(457779)
113	05/01/2006	(457784)
114	05/01/2006	(457781)
115	05/23/2006	(505239)
116	06/22/2006	(505240)
117	07/20/2006	(527519)
118	08/02/2006	(480166)
119	08/22/2006	(527520)
120	08/31/2006	(487243)
121	09/25/2006	(527521)
122	09/28/2006	(466186)
123	10/26/2006	(517315)
124	11/15/2006	(513585)
125	11/15/2006	(519115)
126	11/29/2006	(518544)
127	12/28/2006	(335044)
128	12/28/2006	(268049)
129	12/28/2006	(335759)
130	01/19/2007	(519404)
131	02/01/2007	(538360)
132	02/28/2007	(497606)
133	02/28/2007	(541429)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/18/2004 (257798)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 / PSD-TX-794

Description: Sampling the AU Cooling Tower on vertical piping instead of top of horizontal

piping.

Date: 07/12/2004 (278543)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to provide 30-day inspection notice for Tank 1596 prior to the seal gap measurement inspection. B3

Date: 08/19/2005 (379633)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to perform daily CEMS calibrations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to conduct monitoring for benzene in the cooling water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to use an approved method for quarterly sampling of the cooling water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to install a flow indicator at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.
away from the control device to the atmosphere.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(1)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to repair a component within 15 days of the discovery of the leak.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to notify the administrator 30 days in advance of any gap measurements required by paragraph 40 CFR 60.113b(b)(1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being combusted in the flare.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to conduct monthly visual inspection of bypass line valves.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to switch waste gas to an alternate set of carbon canisters within three hours of breakthrough.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to record required LDAR monitoring data.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to conduct daily monitoring of the carbon absorption system.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to monitor a valve monthly after a leak is detected.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP O-01317
Description: Failure to report the correct information in the Notification of Compliance Status (NCS).
Failure to report the correct information in the Notification of Compliance Status (NCS).
Date: 04/30/2006 (505239)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/12/2006 (464981)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)
Description: FAILURE TO PREVENT NUISANCE CONDITIONS.
Date: 08/03/2006 (480166)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317
Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being combusted in the flare.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 16989, SC23B
OP O-01317, SC1 and SC16
Description: Failure to perform daily CEMS calibrations.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.703(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to conduct monthly visual inspection of bypass line valves.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.703(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to install a flow indicator at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to control the analyzer vent waste gas from Analyzer AR 3319 by a flare or by an Atmospheric Reference Valve (ARV).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to continuously monitor CO from the LOUBOILER6.

F. Environmental audits.

Notice of Intent Date: 11/01/2002 (33111)
No DOV Associated

Notice of Intent Date: 06/25/2004 (348010)
No DOV Associated

Notice of Intent Date: 07/22/2004 (334189)
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.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
HUNTSMAN PETROCHEMICAL	§	
CORPORATION	§	**ENVIRONMENTAL QUALITY**
RN100217389		

AGREED ORDER
DOCKET NO. 2007-0343-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Huntsman Petrochemical Corporation ("Huntsman") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Huntsman presented this agreement to the Commission.

Huntsman understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Huntsman agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Huntsman.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Huntsman owns and operates a petrochemical manufacturing plant at 4241 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During a record review on January 4, 2007, TCEQ staff documented unauthorized emissions of 35,705 pounds ("lbs") of volatile organic compounds ("VOCs") released between February 21 and March 14, 2006 from the Light Olefins Unit ("LOU") Cooling Tower (Emission Point Number LOUCOOLTWR) due to a leak in the Cracked Gas Exchanger (Incident No. 71982).

4. During a record review on February 19, 2007, TCEQ staff documented unauthorized emissions of 67,457 lbs of cyclohexane released from a transfer line in the Cyclohexane Unit during an emissions event that occurred on January 12, 2007 and lasted 24 hours (Incident No. 85949).

5. Huntsman received notice of the violations on March 5, 2007.

6. The Executive Director recognizes that Huntsman has implemented the following corrective measures at the Plant:

   a. With regard to the emissions event that occurred between February 21 and March 14, 2006 (Incident No. 71982), increased water pressure to cease the leak and installed a pump on the cooling water header near the leaking exchanger on March 30, 2006; and

   b. With regard to the emissions event that occurred on January 12, 2007 (Incident No. 85949) appropriate personnel were instructed to follow established procedures for excavation / boring. The Cyclohexane Unit was shutdown until the transfer piping was pigged and tested, repaired, retested, and returned to service. Upon restart of the unit, the shift guidelines specified that operations personnel verify flows into and out of the tanks during all transfers. Corrective actions were completed on February 2, 2007.

II. CONCLUSIONS OF LAW

1. Huntsman is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, Huntsman failed to prevent unauthorized emissions between February 21 and March 14, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a) and (c)(7), Flexible Permit No. 16989 and PSD-TX-794, Special Conditions 1 and 27 and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Findings of Fact No. 4, Huntsman failed to prevent unauthorized emissions on January 12, 2007, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 16989 and PSD-TX-794, Special Conditions 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). These emissions are not authorized by the permit. Since the emissions event was avoidable, Huntsman failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Huntsman for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Thirty-Six Thousand Three Hundred Dollars ($36,300) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Huntsman has paid Eighteen Thousand One Hundred Fifty Dollars ($18,150) of the administrative penalty. Eighteen Thousand One Hundred Fifty Dollars ($18,150) shall be conditionally offset by Huntsman's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Huntsman is assessed an administrative penalty in the amount of Thirty-Six Thousand Three Hundred Dollars ($36,300) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Huntsman's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Huntsman Petrochemical Corporation, Docket No. 2007-0343-AIR-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. Huntsman shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Eighteen Thousand One Hundred Fifty Dollars ($18,150) of the assessed administrative penalty shall be offset with the condition that Huntsman implement the SEP defined in Attachment A, incorporated herein by reference. Huntsman's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon Huntsman. Huntsman is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If Huntsman fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Huntsman's failure to comply is not a violation of this Agreed Order. Huntsman shall have the burden of establishing to the Executive Director's satisfaction that such an event has

occurred. Huntsman shall notify the Executive Director within seven days after Huntsman becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Huntsman shall be made in writing to the Executive Director. Extensions are not effective until Huntsman receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Huntsman if the Executive Director determines that Huntsman has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against Huntsman in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.

9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____
For the Executive Director

9/7/07
Date

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

I understand that by entering into this Agreed Order, Huntsman Petrochemical Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

_____
Signature

06/08/2007
Date

Kevin Bald
Name (Printed or typed)
Authorized Representative of
Huntsman Petrochemical Corporation

Site Manager, PABC
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-0343-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Huntsman Petrochemical Corporation**
Payable Penalty Amount:	**Thirty-Six Thousand Three Hundred Dollars ($36,300)**
SEP Amount:	**Eighteen Thousand One Hundred Fifty Dollars ($18,150)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program**
Location of SEP:	**Jefferson County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.