

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-0583-AIR-E **TCEQ ID:** RN102523107 **CASE NO.:** 33189  
**RESPONDENT NAME:** Lyondell Chemical Company

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Lyondell Chemical Bayport Plant, 10801 Choate Road, Pasadena, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, R-12, (713) 767-3629; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. John McCloskey, Environmental Superintendent, Lyondell Chemical Company, 10801 Choate Road, Pasadena, Texas 77507; Mr. Steven M. Wood, Plant Manager, Lyondell Chemical Company, 10801 Choate Road, Pasadena, Texas 77507  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 7, 2007</p> <p><b>Date of NOE Relating to this Case:</b> April 5, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review. One violation was documented.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, 2,912 pounds ("lbs") of tertiary-butyl alcohol, 33 lbs of acetone, and 32 lbs of volatile organic compounds were released when Lyondell failed to prevent the freezing of pressure meter PC-901A on Exchanger E-901, and malfunction of the control valve leading to increase in pressure at E-901 at the Bayport Plant 1, resulting in an emissions event that occurred on December 8, 2006, and lasted for one minute (Incident No.84757). Since this emissions event was avoidable, Lyondell failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 9395, Special Condition No. 8, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,525</p> <p><b>Total Deferred:</b> \$1,105  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,210</p> <p><b>Total Paid to General Revenue:</b> \$2,210</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that on March 28, 2007, the Respondent modified the Plant procedure to require steam tracing details in Engineering Packages and identified the items/systems that need steam tracing protection.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 30 days of the effective date of this Agreed Order, implement procedures to ensure that steam tracing protection will be provided as necessary for items/systems identified in order to prevent recurrence of emissions events from the same cause; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification including detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. in the Agreed Order.</p>

Attachment A  
Docket Number: 2007-0583-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Lyondell Chemical Company

**Payable Penalty Amount:** Four Thousand Four Hundred Twenty Dollars (\$4,420)

**SEP Amount:** Two Thousand Two Hundred Ten Dollars (\$2,210)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

**Location of SEP:** Harris 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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 particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**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)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

<b>DATES</b>	Assigned	9-Apr-2007	Screening	10-Apr-2007	EPA Due	31-Dec-2007
	PCW	18-Apr-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Lyondell Chemical Company		
Reg. Ent. Ref. No.	RN102523107		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	33189	No. of Violations	1	
Docket No.	2007-0583-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed	
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**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **Subtotals 2, 3, & 7**

Notes:  Penalty enhancement due to two 1660 agreed orders with denial of liability, one findings order, ten same or similar NOV's, and five non-similar NOV's of which three were Discharge Monitoring Reports (DMRs). Reduction for two notices of audit, and one violation disclosure.

**Culpability** **Subtotal 4**

Notes:  The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes:  The Respondent does not meet the good faith criteria.

**Subtotal 6**  **Subtotal 6**

Total EB Amounts  \*Capped at the Total EB \$ Amount

Approx. Cost of Compliance

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

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

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

Notes:  Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 10-Apr-2007

Docket No: 2007-0583-AIR-E

PCW

Respondent Lyondell Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33189

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102523107

Media [Statute] Air

Enf. Coordinator Nadia Hameed

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	10	50%
	Other written NOV's	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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	0	0%
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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<i>Please Enter Yes or No</i>			
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) 121%

>> 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 two 1660 agreed orders with denial of liability, one findings order, ten same or similar NOV's, and five non-similar NOV's of which three were Discharge Monitoring Reports (DMRs). Reduction for two notices of audit, and one violation disclosure.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 121%

Screening Date 10-Apr-2007

Docket No. 2007-0583-AIR-E

PCW

Respondent Lyondell Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33189

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102523107

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), TCEQ Air Permit No. 9395, Special Condition No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 2,912 pounds ("lbs") of tertiary-butyl alcohol, 33 lbs of acetone, and 32 lbs of volatile organic compounds were released when Lyondell failed to prevent the freezing of pressure meter PC-901A on Exchanger E-901, and mal-function of the control valve leading to increase in pressure at E-901 at the Bayport Plant 1, resulting in an emissions event that occurred on December 8, 2006, and lasted for one minute (Incident No.84757). Since this emissions event was avoidable, Lyondell failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	25%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
2500					0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$109

Violation Final Penalty Total \$5,525

This violation Final Assessed Penalty (adjusted for limits) \$5,525

# Economic Benefit Worksheet

**Respondent** Lyondell Chemical Company  
**Case ID No.** 33189  
**Reg. Ent. Reference No.** RN102523107  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$500	8-Dec-2006	28-Mar-2007	0.3	\$8	n/a	\$8
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	8-Dec-2006	30-Sep-2007	0.8	\$101	n/a	\$101

Notes for DELAYED costs

Estimated cost of implementing procedures to require steam tracing details in engineering packages, identifying items/systems that need protection from freezing, and implementing procedures to ensure steam tracing protection is provided as necessary. Date required is the date of the emissions event. Some procedural changes and identification of items/systems was completed on March 28, 2007, and the estimated final date for the steam tracing work to be completed is September 30, 2007.

**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 \$3,000
TOTAL \$109

# Compliance History

Customer/Respondent/Owner-Operator: CN600344402 Lyondell Chemical Company Classification: AVERAGE Rating: 4.11  
 Regulated Entity: RN102523107 LYONDELL CHEMICAL BAYPORT PLANT Classification: AVERAGE Site Rating: 1.25

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD058265067
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30368
	WASTEWATER	PERMIT	WQ0002756000
	WASTEWATER	PERMIT	TPDES0030228
	WASTEWATER	PERMIT	TX0030228
	AIR NEW SOURCE PERMITS	PERMIT	1409
	AIR NEW SOURCE PERMITS	PERMIT	11035
	AIR NEW SOURCE PERMITS	PERMIT	9395
	AIR NEW SOURCE PERMITS	PERMIT	16448
	AIR NEW SOURCE PERMITS	PERMIT	18327
	AIR NEW SOURCE PERMITS	PERMIT	20122
	AIR NEW SOURCE PERMITS	PERMIT	28989
	AIR NEW SOURCE PERMITS	PERMIT	33282
	AIR NEW SOURCE PERMITS	PERMIT	41261
	AIR NEW SOURCE PERMITS	PERMIT	41261A
	AIR NEW SOURCE PERMITS	PERMIT	46855
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0537O
	AIR NEW SOURCE PERMITS	AFS NUM	4820100477
	AIR NEW SOURCE PERMITS	REGISTRATION	75541
	AIR NEW SOURCE PERMITS	REGISTRATION	76118
	AIR NEW SOURCE PERMITS	REGISTRATION	76557
	AIR NEW SOURCE PERMITS	REGISTRATION	78478
	AIR NEW SOURCE PERMITS	REGISTRATION	78545
	AIR NEW SOURCE PERMITS	REGISTRATION	78732
	AIR NEW SOURCE PERMITS	REGISTRATION	80202
	AIR NEW SOURCE PERMITS	REGISTRATION	81484
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0537O
	AIR OPERATING PERMITS	PERMIT	1421
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0537O
	AIR OPERATING PERMITS	PERMIT	1421
	WATER LICENSING	LICENSE	1011527
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011527
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011527
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50275
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50275
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50275
	COMPLIANCE PLANS		
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30368
	UNDERGROUND INJECTION CONTROL	PERMIT	5X2600218

Location: 10801 CHOATE RD, PASADENA, TX, 77507 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 09, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 09, 2002 to April 09, 2007

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

Name: NHameed Phone: 713-767-3629

### 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



24	07/28/2003	(112847)
25	08/20/2003	(303360)
26	09/26/2003	(303362)
27	10/27/2003	(303364)
28	11/25/2003	(303366)
29	12/19/2003	(303367)
30	01/07/2004	(259000)
31	01/21/2004	(303368)
32	02/23/2004	(303349)
33	03/25/2004	(303351)
34	04/26/2004	(355245)
35	05/20/2004	(355246)
36	06/08/2004	(254374)
37	06/16/2004	(303356)
38	07/16/2004	(355247)
39	08/19/2004	(355248)
40	08/31/2004	(262864)
41	09/21/2004	(355249)
42	10/19/2004	(355250)
43	11/03/2004	(292495)
44	11/16/2004	(383656)
45	11/22/2004	(338643)
46	12/08/2004	(341396)
47	12/08/2004	(341380)
48	12/09/2004	(341246)
49	12/09/2004	(342323)
50	12/13/2004	(288677)
51	12/13/2004	(287264)
52	12/14/2004	(289128)
53	12/17/2004	(289036)
54	12/20/2004	(287248)
55	12/20/2004	(383657)
56	12/29/2004	(286921)
57	12/29/2004	(286968)
58	12/30/2004	(288660)
59	12/30/2004	(289054)
60	01/02/2005	(280599)
61	01/04/2005	(283333)
62	01/07/2005	(283291)
63	01/20/2005	(383658)
64	02/02/2005	(347509)
65	02/17/2005	(421476)
66	03/16/2005	(374291)
67	03/16/2005	(374350)
68	03/17/2005	(383655)
69	04/14/2005	(374791)
70	04/14/2005	(376955)
71	04/22/2005	(421477)
72	04/27/2005	(374354)
73	04/27/2005	(374765)
74	05/12/2005	(421478)
75	06/21/2005	(421479)
76	06/30/2005	(372779)
77	07/07/2005	(421480)
78	08/19/2005	(442464)
79	08/22/2005	(403115)
80	08/22/2005	(402571)
81	08/23/2005	(404918)
82	08/23/2005	(404416)
83	08/24/2005	(403120)
84	08/24/2005	(405503)
85	09/21/2005	(442465)
86	10/21/2005	(471574)
87	11/10/2005	(406005)
88	11/17/2005	(471575)
89	11/23/2005	(435602)

90 12/22/2005 (471576)  
 91 01/17/2006 (471577)  
 92 02/08/2006 (454579)  
 93 02/10/2006 (343597)  
 94 02/10/2006 (453008)  
 95 02/17/2006 (471572)  
 96 02/17/2006 (453889)  
 97 03/13/2006 (458927)  
 98 03/13/2006 (418541)  
 99 03/21/2006 (471573)  
 100 03/31/2006 (456395)  
 101 04/11/2006 (455463)  
 102 04/19/2006 (500186)  
 103 04/21/2006 (454631)  
 104 04/27/2006 (457606)  
 105 04/27/2006 (457607)  
 106 04/28/2006 (457605)  
 107 05/08/2006 (456613)  
 108 05/19/2006 (500187)  
 109 05/26/2006 (459647)  
 110 06/21/2006 (500188)  
 111 06/28/2006 (484214)  
 112 07/18/2006 (481672)  
 113 07/21/2006 (522296)  
 114 08/09/2006 (487018)  
 115 08/16/2006 (522297)  
 116 09/11/2006 (522298)  
 117 09/18/2006 (511259)  
 118 10/23/2006 (546979)  
 119 11/03/2006 (517682)  
 120 11/16/2006 (517200)  
 121 11/22/2006 (546980)  
 122 12/13/2006 (546981)  
 123 02/27/2007 (539449)  
 124 03/30/2007 (509115)  
 125 03/30/2007 (490046)  
 126 04/05/2007 (543116)

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

Date 02/29/2004 (303351)  
 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 06/08/2004 (254374)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Air Permit #9395, SC #1  
 Description: Lyondell exceeded a permit limit during an avoidable emissions event.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 Description: Lyondell failed to report a reportable emissions event within 24 hours from the  
 discovery of the emissions event.  
 Date 12/09/2004 (342323)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to control emissions.  
 Date 12/13/2004 (288677)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 9395 General Condition 8  
 Description: Failure to maintain the overhead piping for the Distillation Column.  
 Date 12/20/2004 (289036)  
 Self Report? NO Classification Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 9395 General Condition 8		
Description:	Failure to prevent the overpressure of Tank F-1001C.		
Date	12/21/2004 (287248)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 9395 General Condition 8		
Description:	Failure to maintain the wiring in the junction box of the D-3310 Epoxider.		
Date	12/29/2004 (286968)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 9395 General Condition 8		
Description:	Failure to prevent the unplanned shutdown of compressor C-3220.		
Date	12/29/2004 (286921)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT General Condition 8		
Description:	Failure to prevent the motor failure in the propylene recycle compressor, C-2450.		
Date	01/04/2005 (289054)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 9395 General Condition 8		
Description:	Failure to prevent the premature failure of the field-mounted pneumatic pressure controller on storage tank F-1001B.		
Date	01/04/2005 (288660)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 9395 General Condition 8		
Description:	Failure to prevent a gearbox failure on Compressor C-3450.		
Date	08/24/2005 (403120)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT No. 9395		
Description:	Failure to prevent over pressure of C4 Splitter column.		
Date	09/30/2005 (471574)		
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	03/13/2006 (418541)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.1 30 TAC Chapter 335, SubChapter A 335.6(c)		
Description:	Failure to update the facility's Notice of Registration		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174		
Description:	Failure to properly document inspections of hazardous waste management units.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.10(b)(1)		
Description:	Failure to document the unique five-digit numbers for hazardous waste manifests.		
Date	07/18/2006 (481672)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PA No. 9395 MAERT		
Description:	Failed to prevent tank overpressure.		
Date	10/31/2006 (546980)		
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

F. Environmental audits.

Notice of Intent Date: 3/4/2003 (29848)  
No DOV Associated

Notice of Intent Date: 12/5/2005 (450715)  
Disclosure Date: 12/12/2005

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J

Description: Daily inspection documentation of permitted storage tanks not always in record. (NOR Facility No. 004, 005)

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J

Description: Three valves identified as part of storage tank NOR No. 004 ancilliary equipment do not meet sealless valve definition and do not have secondary containment.

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  
ENFORCEMENT ACTION  
CONCERNING  
LYONDELL CHEMICAL COMPANY  
RN102523107**

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

## **AGREED ORDER DOCKET NO. 2007-0583-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lyondell Chemical Company ("Lyondell Bayport Plant") 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 Lyondell Bayport Plant appear before the Commission and together stipulate that:

1. Lyondell Bayport Plant owns and operates a chemical manufacturing plant at 10801 Choate Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in Tex. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Lyondell Bayport Plant agree that the Commission has jurisdiction to enter this Agreed Order, and that Lyondell Bayport Plant is subject to the Commission's jurisdiction.
4. Lyondell Bayport Plant received notice of the violations alleged in Section II ("Allegations") on or about April 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lyondell Bayport Plant of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Five Hundred Twenty-Five Dollars (\$5,525) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lyondell Bayport Plant has paid Two Thousand Two Hundred Ten Dollars (\$2,210) of the administrative penalty and One Thousand One Hundred Five Dollars (\$1,105) is



deferred contingent upon Lyondell Bayport Plant's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Lyondell Bayport Plant fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Lyondell Bayport Plant to pay all or part of the deferred penalty. Two Thousand Two Hundred Ten Dollars (\$2,210) shall be conditionally offset by Lyondell Bayport Plant's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Lyondell Bayport Plant have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on March 28, 2007, Lyondell Bayport Plant modified the Plant procedure to require steam tracing details in Engineering Packages and identified the items/systems that need steam tracing protection.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Lyondell Bayport Plant has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

## II. ALLEGATIONS

As owner and operator of the Plant, Lyondell Bayport Plant is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 9395, Special Condition No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 7, 2007. Specifically, 2,912 pounds ("lbs") of tertiary-butyl alcohol, 33 lbs of acetone, and 32 lbs of volatile organic compounds were released when Lyondell failed to prevent the freezing of pressure meter PC-901A on Exchanger E-901, and mal-function of the control valve leading to increase in pressure at E-901 at the Bayport Plant 1, resulting in an emissions event that occurred on December 8, 2006, and lasted for one minute (Incident No. 84757). Since this emissions event was avoidable, Lyondell Bayport Plant failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## III. DENIALS

Lyondell Bayport Plant generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lyondell Bayport Plant pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Lyondell Bayport Plant's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lyondell Chemical Company, Docket No. 2007-0583-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. Lyondell Bayport Plant shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Two Hundred Ten Dollars (\$2,210) of the assessed administrative penalty shall be offset with the condition that Lyondell Bayport Plant implement the SEP defined in Attachment A, incorporated herein by reference. Lyondell Bayport Plant'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. It is further ordered that Lyondell Bayport Plant shall undertake the following technical requirements:
  - a. Within 30 days of the effective date of this Agreed Order, implement procedures to ensure that steam tracing protection will be provided as necessary for items/systems identified in order to prevent recurrence of emissions events from the same cause; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3. a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality



P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon Lyondell Bayport Plant. Lyondell Bayport Plant 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.
5. If Lyondell Bayport Plant 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, Lyondell Bayport Plant's failure to comply is not a violation of this Agreed Order. Lyondell Bayport Plant shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Lyondell Bayport Plant shall notify the Executive Director within seven days after Lyondell Bayport Plant becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 Lyondell Bayport Plant shall be made in writing to the Executive Director. Extensions are not effective until Lyondell Bayport Plant receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Lyondell Bayport Plant 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Lyondell Bayport Plant, or three days after the date on which the Commission mails notice of the Order to Lyondell Bayport Plant, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



Lyondell Chemical Company  
DOCKET NO. 2007-0583-AIR-E  
Page 5

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]  
For the Executive Director

9/7/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

[Signature]  
Signature

8/23/07  
Date

Steven M. Wood  
Name (Printed or typed)  
Authorized Representative of  
Lyondell Chemical Company

PLANT MANAGER  
Title

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



**Attachment A**  
**Docket Number: 2007-0583-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Lyondell Chemical Company

**Payable Penalty Amount:** Four Thousand Four Hundred Twenty Dollars (\$4,420)

**SEP Amount:** Two Thousand Two Hundred Ten Dollars (\$2,210)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

**Location of SEP:** Harris 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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 particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**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:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**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.

