EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1080-AIR-E **TCEQ ID:** RN100219351 **CASE NO.:** 30487

RESPONDENT NAME: Union Carbide Corporation

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	X AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Union Carbide Corporation Texas City Operations, 3301 5th Avenue South, Texas City, Galveston County

TYPE OF OPERATION: Chemical manufacturing

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 January 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Section III, MC R-12, (713) 767-3629; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Ms. Ruth Cleveland, Houston Regional Office, MC R-12, (713) 767-3544

Respondent: Ms. Marilyn Doescher, Site Responsible Care Leader, Union Carbide Corporation, 3301 5th Avenue South, Texas City, Texas 77590
CT Corporation System, 1021 Main Street, Suite 1150, Houston, Texas 77002

Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: Union Carbide Corporation
DOCKET NO.: 2006-1080-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint ___ Routine __ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** May 15, 2006 **Date of NOE Relating to this Case:** July 14, 2006 (NOE) **Background Facts:** This was a routine record review. Two violations were documented. **AIR** 1) Failed to prevent unauthorized emissions of 4,551.98 pounds of ethylene during an avoidable emissions event, which began on October 11, 2005, and lasted for one hour [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and Air Permit No. 48988, General Condition 8 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to show the correct source of emissions in the Final Report for an emissions event which occurred on October 11, 2005 [30 TEX. ADMIN. CODE § 101.201(b)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $10,233 **Total Deferred:** $2,047 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $8,186 **Site Compliance History Classification:** __ High _X_ Avg. __ Poor **Person Compliance History Classification:** __ High _X_ Avg. __ Poor **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that Union Carbide has implemented the following corrective measures at the Plant: a. Conducted specific Global Project Management Training that included review of the requirement that the manufacturing representative is responsible for assuring that all tie-points are tagged in the correct locations. This training was completed on March 22, 2006; and b. Updated its release reporting procedures to include the appropriate steps and the information required when reporting air releases in State of Texas Environmental Electronic Reporting System ("STEERS"). This was completed on August 10, 2006.

Attachment: Site Compliance History

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision April 25, 2006*

DATES Assigned: 17-Jul-2006 PCW: 22-Aug-2006 Screening: 24-Jul-2006 EPA Due:

RESPONDENT/FACILITY INFORMATION

Respondent: Union Carbide Corporation
Reg. Ent. Ref. No.: RN100219351
Facility/Site Region: 12-Houston
Major/Minor Source: Major Source

CASE INFORMATION

Enf./Case ID No.: 30487
Docket No.: 2006-1080-AIR-E
Media Program(s): Air Quality
Multi-Media:
Admin. Penalty $ Limit Minimum: $0 Maximum: $10,000
No. of Violations: 2
Order Type: 1660
Enf. Coordinator: Nadia Hameed
EC's Team: Enforcement Team 6

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $5,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 143% Enhancement *Subtotals 2, 3, & 7* $7,293

Notes: Penalty enhancement due to two Agreed Orders, one Environmental Protection Agency (EPA) Agreed Order, eleven same or similar NOVs, ten non-related NOVs of which three were discharge monitoring reports (DMR). Reduction for two notices of Audit.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet culpability criteria.

Good Faith Effort to Comply 10% Reduction *Subtotal 5* -$510

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

Notes: The respondent completed required corrective actions on August 10, 2006.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts: $43
Approx. Cost of Compliance: $1,500

SUM OF SUBTOTALS 1-7 Final Subtotal $11,883

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 $11,883

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $10,233

DEFERRAL 20% Reduction Adjustment -$2,047

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

Notes: Deferral recommended for expedited settlement.

PAYABLE PENALTY $8,186

Screening Date 24-Jul-2006 **Docket No.** 2006-1080-AIR-E **PCW**
Respondent Union Carbide Corporation *Policy Revision 2 (September 2002)*
Case ID No. 30487 *PCW Revision April 26, 2006*
Reg. Ent. Reference No. RN100219351
Media [Statute] Air Quality
Enf. Coordinator Nadia Hameed

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)*	11	55%
	Other written NOVs	10	20%
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	0	0%
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)*	1	30%
	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*	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)*	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) **143%**

>> 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 Agreed Orders, one Environmental Protection Agency (EPA) Agreed Order, eleven same or similar NOVs, ten non-related NOVs of which three were discharge monitoring reports (DMR). Reduction for two notices of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **143%**

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date 24-Jul-2006 **Docket No.** 2006-1080-AIR-E
Respondent Union Carbide Corporation
Case ID No. 30487
Reg. Ent. Reference No. RN100219351
Media [Statute] Air Quality
Enf. Coordinator Nadia Hameed

Violation Number 1

Primary Rule Cite(s) Air Permit No. 48988, General Condition 8 and 30 Tex. Admin. Code § 116.115(b)(2)(F)

Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of of 4,551.98 pounds of ethylene, from a pipeline that was drilled into by a contractor, resulting in an emissions event from the Ethylene Pipeline Distribution System which began on October 11, 2005, and lasted for the duration of one hour. As the emissions event was avoidable, Union Carbide 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: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria non-attainment area has been exposed to approxmiately 2.28 tons of highly reactive volatile organic compounds (HRVOC), a significant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $22

Statutory Limit Test

Violation Final Penalty Total $11,650

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

Economic Benefit Worksheet

Respondent: Union Carbide Corporation
Case ID No.: 30487
Reg. Ent. Reference No.: RN100219351
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$1,000	11-Oct-2005	22-Mar-2006	0.4	$22	n/a	$22
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of an emissions event from the same cause as the October 11, 2005 emissions event. Required date based on the date of the emissions event. Final date based on the date compliance was achieved.

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: $1,000

TOTAL: $22

Screening Date 24-Jul-2006 **Docket No.** 2006-1080-AIR-E **PCW**

Respondent Union Carbide Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30487 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN100219351

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin Code § 101.201(b)(4)

Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to complete the Final Report accurately. The emissions came from a hole in a pipe, instead Union Carbide showed they came from Emissions Point Number FOB001-06 which is for the fugitive emissions from the piperack.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30 percent of the rule requirement was not met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	1

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $233

This violation Final Assessed Penalty (adjusted for limits) $233

Economic Benefit Worksheet

Respondent: Union Carbide Corporation
Case ID No.: 30487
Reg. Ent. Reference No.: RN100219351
Media [Statute]: Air Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$500	11-Oct-2005	10-Aug-2006	0.8	$21	n/a	$21
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure the proper reporting of emissions events. Required date is based on the date of the emissions event. Final date is based on the date compliance was achieved.

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: $500

TOTAL: $21

Compliance History

Customer/Respondent/Owner-Operator:	CN601688781	Union Carbide Corporation	Classification: AVERAGE	Rating: 2.72
Regulated Entity:	RN100219351	UNION CARBIDE TEXAS CITY OPERATIONS	Classification: AVERAGE	Site Rating: 9.29

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0076J
AIR OPERATING PERMITS	PERMIT	1433
AIR OPERATING PERMITS	PERMIT	1913
AIR OPERATING PERMITS	PERMIT	1914
AIR OPERATING PERMITS	PERMIT	1915
AIR OPERATING PERMITS	PERMIT	1916
AIR OPERATING PERMITS	PERMIT	1917
AIR OPERATING PERMITS	PERMIT	1919
AIR OPERATING PERMITS	PERMIT	1920
AIR OPERATING PERMITS	PERMIT	1921
AIR OPERATING PERMITS	PERMIT	1923
AIR OPERATING PERMITS	PERMIT	1924
AIR OPERATING PERMITS	PERMIT	2864
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30689
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000461533
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30689
WASTEWATER	PERMIT	WQ0000448000
WASTEWATER	PERMIT	TPDES0002852
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	27508
AIR NEW SOURCE PERMITS	REGISTRATION	76430
AIR NEW SOURCE PERMITS	REGISTRATION	72004
AIR NEW SOURCE PERMITS	REGISTRATION	72164
AIR NEW SOURCE PERMITS	REGISTRATION	72098
AIR NEW SOURCE PERMITS	REGISTRATION	71951
AIR NEW SOURCE PERMITS	PERMIT	52921
AIR NEW SOURCE PERMITS	PERMIT	52922
AIR NEW SOURCE PERMITS	REGISTRATION	54759
AIR NEW SOURCE PERMITS	PERMIT	55052
AIR NEW SOURCE PERMITS	REGISTRATION	75804
AIR NEW SOURCE PERMITS	PERMIT	71961
AIR NEW SOURCE PERMITS	REGISTRATION	75940
AIR NEW SOURCE PERMITS	REGISTRATION	75636
AIR NEW SOURCE PERMITS	PERMIT	2468
AIR NEW SOURCE PERMITS	REGISTRATION	75558
AIR NEW SOURCE PERMITS	REGISTRATION	76180
AIR NEW SOURCE PERMITS	REGISTRATION	75722
AIR NEW SOURCE PERMITS	PERMIT	56285
AIR NEW SOURCE PERMITS	PERMIT	48988
AIR NEW SOURCE PERMITS	REGISTRATION	70450
AIR NEW SOURCE PERMITS	REGISTRATION	70460
AIR NEW SOURCE PERMITS	REGISTRATION	70463
AIR NEW SOURCE PERMITS	REGISTRATION	70606
AIR NEW SOURCE PERMITS	REGISTRATION	70859
AIR NEW SOURCE PERMITS	REGISTRATION	56355
AIR NEW SOURCE PERMITS	REGISTRATION	71043
AIR NEW SOURCE PERMITS	REGISTRATION	71148
AIR NEW SOURCE PERMITS	REGISTRATION	71158
AIR NEW SOURCE PERMITS	REGISTRATION	71163
AIR NEW SOURCE PERMITS	REGISTRATION	71183
AIR NEW SOURCE PERMITS	PERMIT	48975
AIR NEW SOURCE PERMITS	PERMIT	49004
AIR NEW SOURCE PERMITS	PERMIT	49023
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0076J
AIR NEW SOURCE PERMITS	REGISTRATION	71511
AIR NEW SOURCE PERMITS	REGISTRATION	71723
AIR NEW SOURCE PERMITS	PERMIT	56460
AIR NEW SOURCE PERMITS	PERMIT	56359
AIR NEW SOURCE PERMITS	PERMIT	56358
AIR NEW SOURCE PERMITS	PERMIT	56357
AIR NEW SOURCE PERMITS	PERMIT	56356

AIR NEW SOURCE PERMITS	PERMIT	56353
AIR NEW SOURCE PERMITS	PERMIT	56352
AIR NEW SOURCE PERMITS	PERMIT	56351
AIR NEW SOURCE PERMITS	PERMIT	56350
AIR NEW SOURCE PERMITS	PERMIT	56349
AIR NEW SOURCE PERMITS	PERMIT	55260
AIR NEW SOURCE PERMITS	PERMIT	52245
AIR NEW SOURCE PERMITS	PERMIT	52869
AIR NEW SOURCE PERMITS	PERMIT	52920
AIR NEW SOURCE PERMITS	PERMIT	52292
AIR NEW SOURCE PERMITS	PERMIT	53413
AIR NEW SOURCE PERMITS	PERMIT	53558
AIR NEW SOURCE PERMITS	PERMIT	53034
AIR NEW SOURCE PERMITS	PERMIT	54113
AIR NEW SOURCE PERMITS	PERMIT	53559
AIR NEW SOURCE PERMITS	PERMIT	53414
AIR NEW SOURCE PERMITS	REGISTRATION	72691
AIR NEW SOURCE PERMITS	REGISTRATION	72836
AIR NEW SOURCE PERMITS	PERMIT	72997
AIR NEW SOURCE PERMITS	PERMIT	73157
AIR NEW SOURCE PERMITS	REGISTRATION	73963
AIR NEW SOURCE PERMITS	REGISTRATION	74151
AIR NEW SOURCE PERMITS	REGISTRATION	74235
AIR NEW SOURCE PERMITS	PERMIT	73962
AIR NEW SOURCE PERMITS	REGISTRATION	74297
AIR NEW SOURCE PERMITS	REGISTRATION	74347
AIR NEW SOURCE PERMITS	REGISTRATION	74472
AIR NEW SOURCE PERMITS	REGISTRATION	74471
AIR NEW SOURCE PERMITS	REGISTRATION	74490
AIR NEW SOURCE PERMITS	REGISTRATION	74608
AIR NEW SOURCE PERMITS	REGISTRATION	74732
AIR NEW SOURCE PERMITS	REGISTRATION	74996
AIR NEW SOURCE PERMITS	REGISTRATION	75184
AIR NEW SOURCE PERMITS	REGISTRATION	76553
AIR NEW SOURCE PERMITS	REGISTRATION	76637
AIR NEW SOURCE PERMITS	PERMIT	2467
AIR NEW SOURCE PERMITS	REGISTRATION	76966
AIR NEW SOURCE PERMITS	REGISTRATION	77191
AIR NEW SOURCE PERMITS	REGISTRATION	77313
AIR NEW SOURCE PERMITS	REGISTRATION	77524
AIR NEW SOURCE PERMITS	REGISTRATION	77503
AIR NEW SOURCE PERMITS	REGISTRATION	77690
AIR NEW SOURCE PERMITS	REGISTRATION	77858
AIR NEW SOURCE PERMITS	PERMIT	77875
AIR NEW SOURCE PERMITS	REGISTRATION	78093
AIR NEW SOURCE PERMITS	REGISTRATION	78808
AIR NEW SOURCE PERMITS	REGISTRATION	78804
AIR NEW SOURCE PERMITS	REGISTRATION	78806
AIR NEW SOURCE PERMITS	REGISTRATION	78807
AIR NEW SOURCE PERMITS	REGISTRATION	78996
AIR NEW SOURCE PERMITS	REGISTRATION	79099
AIR NEW SOURCE PERMITS	PERMIT	33835
AIR NEW SOURCE PERMITS	PERMIT	33379
AIR NEW SOURCE PERMITS	PERMIT	33535
AIR NEW SOURCE PERMITS	PERMIT	33607
AIR NEW SOURCE PERMITS	PERMIT	36007
AIR NEW SOURCE PERMITS	PERMIT	36467
AIR NEW SOURCE PERMITS	PERMIT	32449
AIR NEW SOURCE PERMITS	PERMIT	37219
AIR NEW SOURCE PERMITS	PERMIT	38561
AIR NEW SOURCE PERMITS	PERMIT	39384
AIR NEW SOURCE PERMITS	PERMIT	39714
AIR NEW SOURCE PERMITS	PERMIT	41241
AIR NEW SOURCE PERMITS	PERMIT	42121
AIR NEW SOURCE PERMITS	PERMIT	42409
AIR NEW SOURCE PERMITS	PERMIT	42949
AIR NEW SOURCE PERMITS	PERMIT	41876
AIR NEW SOURCE PERMITS	PERMIT	44130
AIR NEW SOURCE PERMITS	PERMIT	45029

AIR NEW SOURCE PERMITS	PERMIT	33356

AIR NEW SOURCE PERMITS	AFS NUM	0009
AIR NEW SOURCE PERMITS	REGISTRATION	79615
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0840043
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30689

Location: 3301 5TH AVE S, TEXAS CITY, TX, 77590 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 11, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 02, 2001 to August 02, 2006

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
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: 04/13/2003 ADMINORDER 2002-0902-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)[G]

40 CFR Part 63, Subpart G 63.120(a)(2)(i)

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

Description: Failure to conduct seal inspections.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter E 290.51(a)(3)
Description: Failure to pay the late fee for the Public Health Service Fee.

Effective Date: 11/11/2004 ADMINORDER 2001-1103-AIR-E

Classification: Moderate

Citation: 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
Description: Failed to meet VOC limits of 0.30 pound per hour (lbs/hr.) from Tank 9518 in the Distribution Area via emission point number (EPN) E01A010 on August 16, 2000 for approximately 40 hours, during which the tank overflowed, and again on August 18, 2000 for approximately 40 hours, during which the tank was emptied due to ne

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Allowed unauthorized emissions on June 16, 2000 from the hardening tank of the Solutions Vinyl Resins (SVR) Unit when operator error and poor maintenance caused a spill that resulted in emissions of 11.6 pounds of acetone.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)

AIR NEW SOURCE PERMITS	PERMIT	45525
AIR NEW SOURCE PERMITS	PERMIT	45814
AIR NEW SOURCE PERMITS	PERMIT	45847
AIR NEW SOURCE PERMITS	PERMIT	46260
AIR NEW SOURCE PERMITS	PERMIT	47572
AIR NEW SOURCE PERMITS	PERMIT	47646
AIR NEW SOURCE PERMITS	PERMIT	47732
AIR NEW SOURCE PERMITS	PERMIT	49451
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0076J
AIR NEW SOURCE PERMITS	PERMIT	9995
AIR NEW SOURCE PERMITS	PERMIT	436
AIR NEW SOURCE PERMITS	PERMIT	1961
AIR NEW SOURCE PERMITS	PERMIT	2466
AIR NEW SOURCE PERMITS	PERMIT	2467
AIR NEW SOURCE PERMITS	PERMIT	2574
AIR NEW SOURCE PERMITS	PERMIT	2958A
AIR NEW SOURCE PERMITS	PERMIT	3778
AIR NEW SOURCE PERMITS	PERMIT	3791
AIR NEW SOURCE PERMITS	PERMIT	4838
AIR NEW SOURCE PERMITS	PERMIT	4884
AIR NEW SOURCE PERMITS	PERMIT	6355
AIR NEW SOURCE PERMITS	PERMIT	6355A
AIR NEW SOURCE PERMITS	PERMIT	6709
AIR NEW SOURCE PERMITS	PERMIT	6715
AIR NEW SOURCE PERMITS	PERMIT	6732
AIR NEW SOURCE PERMITS	PERMIT	6854
AIR NEW SOURCE PERMITS	PERMIT	7011
AIR NEW SOURCE PERMITS	PERMIT	7414
AIR NEW SOURCE PERMITS	PERMIT	9085
AIR NEW SOURCE PERMITS	PERMIT	10605
AIR NEW SOURCE PERMITS	PERMIT	13141
AIR NEW SOURCE PERMITS	PERMIT	14321
AIR NEW SOURCE PERMITS	PERMIT	14899
AIR NEW SOURCE PERMITS	PERMIT	15693
AIR NEW SOURCE PERMITS	PERMIT	18148
AIR NEW SOURCE PERMITS	PERMIT	18369
AIR NEW SOURCE PERMITS	PERMIT	19028
AIR NEW SOURCE PERMITS	PERMIT	19209
AIR NEW SOURCE PERMITS	PERMIT	19335
AIR NEW SOURCE PERMITS	PERMIT	20135
AIR NEW SOURCE PERMITS	PERMIT	21401
AIR NEW SOURCE PERMITS	PERMIT	22067
AIR NEW SOURCE PERMITS	PERMIT	22705
AIR NEW SOURCE PERMITS	PERMIT	23571
AIR NEW SOURCE PERMITS	PERMIT	24349
AIR NEW SOURCE PERMITS	PERMIT	24530
AIR NEW SOURCE PERMITS	PERMIT	24292
AIR NEW SOURCE PERMITS	PERMIT	25034
AIR NEW SOURCE PERMITS	PERMIT	26125
AIR NEW SOURCE PERMITS	PERMIT	27045
AIR NEW SOURCE PERMITS	PERMIT	26133
AIR NEW SOURCE PERMITS	PERMIT	26856
AIR NEW SOURCE PERMITS	PERMIT	27796
AIR NEW SOURCE PERMITS	PERMIT	24982
AIR NEW SOURCE PERMITS	PERMIT	28686
AIR NEW SOURCE PERMITS	PERMIT	28882
AIR NEW SOURCE PERMITS	PERMIT	29204
AIR NEW SOURCE PERMITS	PERMIT	29271
AIR NEW SOURCE PERMITS	PERMIT	30037
AIR NEW SOURCE PERMITS	PERMIT	28885
AIR NEW SOURCE PERMITS	PERMIT	29747
AIR NEW SOURCE PERMITS	PERMIT	29354
AIR NEW SOURCE PERMITS	PERMIT	30531
AIR NEW SOURCE PERMITS	PERMIT	31076
AIR NEW SOURCE PERMITS	PERMIT	31104
AIR NEW SOURCE PERMITS	PERMIT	30981
AIR NEW SOURCE PERMITS	PERMIT	31810
AIR NEW SOURCE PERMITS	PERMIT	32496

30 TAC Chapter 101, SubChapter A 101.6(a)[G]

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

Rqmt Prov: 1 PERMIT
Description: Failed to include end time or expected duration and corrective action in the initial notification report for an upset that occurred on November 7, 2000 at the #4 K-Gas Compressor in the Oxo Unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to install a second valve, blind flange, plug or cap at the end of VOC line in the SVR Unit which caused an emissions event (emissions were 6 pounds of acetone on June 22, 2000).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(C)

30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(3)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT
12 PERMIT

Description: Failed to include start time, end time or expected duration, and amount of contaminants in the initial notification report for an upset that occurred at the #501 Compressor in the #3 Olefins Unit via EPN E09A023 on September 4, 2000.
Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Allowed unauthorized emissions on April 6, 2000 from the vent blower and safety relief valves in the #3 Olefins Unit when improper operating procedures caused a release.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include corrective action in the initial notification report for an upset that occurred at the #601 Turbine in the #3 Olefins Unit on June 22, 2000 (Upset #5224).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)[G]

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

Description: Failed to include end time or expected duration and corrective action in the initial notification report for a subsequent upset that occurred at the #601 Turbine in the #3 Olefins Unit on June 22, 2000 (Upset #5223)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include opacity estimate in the initial notification and final reports for an upset that occurred on August 1, 2000 EPN E09A032 in the #3 Olefins Unit.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration in the initial notification report for an upset that occurred on August 3, 2000 at the Lo NOx Injector of the #602 Turbine in the #3 Olefins Unit.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

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

Description: Failed to include end time or expected duration and opacity estimate in the initial notification report and opacity estimate in the final report for an upset that occurred on January 2, 2001 at EPN E09A032 in the #3 Olefins Unit.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

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

Description: Failed to include identification and amount of contaminants emitted in the initial notification report for an upset that occurred on January 4, 2001 at EPN E09A032 in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

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

Description: Failed to include end time or expected duration and opacity estimate in the initial report and opacity estimate in the final report for an upset that occurred on February 25, 2001 at the No. 17 Furnace EPN E09A018, in the #3 Olefins Unit.

Classification: Moderate

Citation: 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

Description: Failed to meet emission limits of 4.85 lbs./hr. of Nitrogen Oxides (NOx) and 7.28 lbs.hr. of CO at the #4 K-Gas Compressor in the Oxo Unit via EPN E10C061 on November 7, 2000, resulting in emissions of 513 pounds of NOx and 3,365 pounds of CO.

Classification: Moderate

Citation: 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

Description: Failed to meet emission limits of 24.5 lbs./hr. of NOx at the #601 Turbine in the #3 Olefins Unit via EPN E09A025 on June 22, 2000 at 9:20 a.m. (Upset #5224) and 2:22 p.m. (Upset #5223), resulting in emissions of 262.7 pounds of NOx.

Classification: Moderate

Citation: 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 12 PERMIT

Description: Failed to meet opacity limits of 5% percent per any six-minute period at EPN E09A032 in the #3 Olefins Unit on August 1, 2000, resulting in emissions of 36 hours of 100% opacity.

Classification: Moderate

Citation: 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

Description: Failed to meet emissions limits of 24.5 lbs/hr. of NOx on August 3, 2000 at the Lo NOx Injector of the #602 Turbine in the #3 Olefins Unit, resulting in emissions of 1,152 pounds of NOx

Classification: Moderate

Citation: 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

Description: Failed to meet emission limits of 24.5 lbs./hr. of NOx on September 4, 2000 at the #501 Compressor in the #3 Olefins Unit via EPN E09A023, resulting in emissions of 81 pounds of NOx

Classification: Moderate

Citation: 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 12 PERMIT
Description: Failed to meet opacity limits of 5% per any six-minute period on January 2, 2001 at EPN E09A032 in the #3 Olefins Unit, resulting in eimssions of 2 hours of 100% opacity.

Classification: Moderate

Citation: 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 12 PERMIT
Description: Failed to meet opacity limits of 5% per any six-minute period on January 4, 2001 at EPN E09A032 in the #3 Olefins Unit, resulting in emissions of 8 hours and 20 minutes of 100% opacity

Classification: Moderate

Citation: 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 12 PERMIT
Description: Failed to meet opacity limits of 5% per any six-minute period on February 25, 2001 at the Furnace No. 17, EPN E09A018, in the #3 Olefins Unit.

See addendum for information regarding federal actions.

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 06/18/2002 (2572)
N/A

2 03/16/2004 (294436)
3 04/21/2004 (294437)
4 06/21/2004 (294438)
5 08/30/2002 (2373)
6 08/19/2003 (294439)
7 02/22/2005 (419457)
8 02/26/2004 (22192)
9 09/19/2003 (294440)
10 04/07/2005 (348396)
11 03/14/2005 (419458)

12 04/18/2005 (419459)
13 10/23/2002 (4185)
14 08/30/2002 (2371)
15 05/23/2005 (419460)
16 08/16/2002 (1946)
17 10/20/2003 (294442)
18 06/17/2005 (419461)
19 11/19/2003 (294443)
20 06/17/2005 (419462)
21 12/18/2003 (294444)
22 01/16/2004 (294445)
23 03/08/2004 (250251)
24 10/22/2003 (248492)
25 09/09/2002 (6065)
26 10/08/2002 (13335)

27	11/10/2003	(249006)
28	01/31/2005	(347324)
29	06/15/2006	(482439)
30	12/16/2004	(333291)
31	09/09/2002	(7020)
32	11/25/2003	(255877)
33	06/17/2003	(34201)
34	07/14/2006	(457406)
35	07/29/2005	(401956)
36	02/13/2006	(468078)
37	01/21/2003	(155728)
38	03/20/2006	(468079)
39	01/22/2002	(155727)
40	08/11/2005	(404855)
41	10/18/2005	(468080)
42	11/17/2005	(468081)
43	12/19/2005	(468082)
44	08/03/2004	(286850)
45	12/06/2002	(1492)
46	12/20/2002	(155725)
47	01/20/2005	(333885)
48	01/18/2006	(468083)
49	02/11/2005	(340597)
50	07/01/2003	(36668)
51	06/05/2002	(2146)
52	02/24/2003	(25802)
53	12/20/2001	(155724)
54	11/07/2003	(250604)
55	08/05/2005	(402973)
56	08/18/2005	(405320)
57	08/23/2004	(290587)
58	01/31/2005	(347510)
59	08/22/2005	(400594)
60	11/15/2002	(155722)
61	11/26/2001	(155721)
62	08/04/2004	(273925)
63	10/21/2002	(155719)
64	01/13/2004	(259830)
65	10/24/2001	(155718)
66	06/17/2003	(34205)
67	06/13/2006	(454316)
68	09/19/2002	(155716)
69	02/11/2005	(350203)
70	09/20/2001	(155715)
71	08/29/2005	(406918)
72	08/16/2005	(440615)
73	08/04/2005	(402618)
74	08/20/2002	(155713)
75	03/21/2003	(9861)
76	08/21/2001	(155712)
77	07/28/2005	(402135)

78	11/05/2003	(249689)
79	08/02/2005	(402285)
80	08/05/2005	(403754)
81	08/19/2005	(404795)
82	05/19/2004	(351704)
83	07/28/2005	(402011)
84	07/17/2003	(155710)
85	05/15/2003	(38012)
86	07/22/2002	(155709)
87	03/14/2002	(IE0000395013001)
88	04/16/2004	(264495)
89	08/09/2002	(2382)
90	09/13/2002	(10899)
91	07/28/2004	(351705)
92	10/21/2003	(432706)
93	06/20/2003	(155707)
94	03/31/2003	(9859)
95	05/11/2006	(460639)
96	06/21/2002	(155706)
97	08/31/2004	(250228)
98	08/17/2005	(405498)
99	08/26/2004	(351706)
100	05/20/2003	(155704)
101	01/14/2004	(250226)
102	01/06/2004	(259011)
103	11/20/2002	(16636)
104	05/22/2002	(155703)
105	09/15/2004	(351707)
106	12/13/2004	(381666)
107	08/09/2002	(2364)
108	01/12/2005	(381667)
109	10/22/2004	(351708)
110	04/17/2003	(155701)
111	08/25/2004	(288496)
112	04/22/2002	(155700)
113	08/08/2005	(403392)
114	03/13/2003	(155698)
115	11/15/2004	(351709)
116	03/21/2003	(23086)
117	03/20/2002	(155697)
118	08/05/2005	(403243)
119	08/15/2002	(5941)
120	04/11/2003	(31764)
121	02/13/2004	(250227)
122	02/20/2003	(1937)
123	02/20/2003	(155695)
124	01/10/2005	(345335)
125	02/21/2002	(155694)
126	01/31/2005	(346725)
127	08/08/2005	(404026)
128	06/19/2002	(2538)

129 08/09/2002 (2377)

130 08/18/2005 (405659)

131 05/09/2006 (464404)

132 02/23/2004 (294435)

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

Date: 03/24/2003 (9861)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

Description: Failure to conduct the annual observation during the certification period.

Date: 08/19/2005 (404795)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to operate within permit allowables by 824 pounds on E10C009

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to record the temperature on the incinerator E10N002.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to record the carbon monoxide concentration on E10N002.

Date: 08/31/2003 (294440)

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: 08/16/2002 (13335)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]

Rqmt Prov: PA IA

Description: Region-documented violation of an emission or discharge quantity limit.

Date: 08/31/2004 (250228)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: OP IA Classification: Moderate

Description: Failure to include a deviation in the semi-annual report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.100[G]

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]

Rqmt Prov: OP IA

Description: Failure to operate the refrigeration unit in accordance with SSMP.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Rqmt Prov: OP IA

Description: Failure to record the daily flare observations.

Date: 10/31/2003 (294443)

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: 10/22/2003 (248492)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT IA

Description: Failure to demonstrate that the incident could not have been avoided by good operation practices as set forth in 30 Tex. Admin Code 101.222(b)(3).

Date: 11/07/2003 (249006)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT IA

Description: Failure to perform routine preventive maintenance on air dampener/ actuator resulting to an excess opacity event.

Date: 08/24/2004 (288496)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Rqmt Prov: PA IA

Description: Failure to represent emissions to the Syn Gas Flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: Failure to operate within permit allowables.

Date: 01/20/2005 (333885)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to maintain records for the Fume Incinerator EPN E01A048.

Date: 11/30/2001 (155724)

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: 08/16/2004 (290587)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vii)

Description: Failure to record the presence of a pilot flame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to conduct quarterly test.

Date: 04/02/2003 (9859)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

Description: Failure to conduct the annual fuel tank pressure decay test of stage II vapor recovery system within the due date as required by the state regulation.

Date: 06/14/2006 (454316)

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 IA

Description: Dow-Union Carbide Incident 68708 was an avoidable emissions event. Incident was not excessive.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Dow-UC Incident No. 69708 was not reported in a timely manner.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Dow Union Carbide failed to identify the permit number in Incident No. 68708 notification.

Date: 09/30/2002 (155719)

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: 08/26/2002 (1937)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: Daily CEMS calibration drift test records for 11/21/01 to 11/29/01 were missing.(Category: C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: RE failed to include "the frequency of flow and composition measurements for the distillation column vents" in their report (Category C3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: Union Carbide failed to demonstrate that connectors are being inspected weekly (Category B3).

Date: 08/03/2004 (286850)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: Failure to conduct the annual tank inspections within 12 months.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vii)

Description: Failure to record the flare pilot flame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: Failure to submit the report within 30 days of a tank failure.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Rqmt Prov: OP IA
Description: Failure to obtain the authorization for the installation of two tanks.

Date: 08/04/2005 (402618)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 60.115b(a)(3)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to submit a report within 30 days.

Date: 11/07/2003 (250604)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Description: Failure to consistently record the time and date of pH sample collection and analysis.

Date: 08/05/2005 (402973)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to submit the quarterly report within 30 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to operate within limits of Boiler 53 for CO.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to operate within allowables for Boiler 53 for NOX.

Date: 09/20/2002 (1946)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
Rqmt Prov: PA IA
Description: Region-documented violation of an emission or discharge quantity limit.

F. Environmental audits.

Notice of Intent Date: 09/25/2002 (29689)
No DOV Associated

Notice of Intent Date: 09/23/2002 (34336)
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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	UNION CARBIDE CORPORATION	CUSTOMER NO.:	CN601688781
REGULATED ENTITY:	UNION CARBIDE TEXAS CITY OPERATIONS	REG. ENTITY NO.:	RN100219351
REG. ENTITY ADDRESS:			
REG. ENTITY CITY:			

Violations

EPA CASE NO.:	06-2003-3321	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030415	STATUTE: CAA	SECT. OF STATUTE: 111
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 60 CITE SECT.: A, NNN
CASE RESULT:	Final Order With Penalty	PROGRAM:	New Source Performance Standards
		VIOLATION TYPE:	Nat. Emis. Standard - Haz. Air Pollutant

EPA CASE NO.:	06-2003-3321	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030415	STATUTE: CAA	SECT. OF STATUTE: 113A
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION:	CITE PART: CITE SECT.:
CASE RESULT:	Final Order With Penalty	PROGRAM:	NOVs and Compliance Orders
		VIOLATION TYPE:	Other/Miscellaneous

EPA CASE NO.:	06-2003-3321	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030415	STATUTE: RCRA	SECT. OF STATUTE: 3002
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 262 CITE SECT.: 34
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	Labeling/Marking Requirements

EPA CASE NO.:	06-2003-3321	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030415	STATUTE:	SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 265 CITE SECT.: 193
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	Container Requirements

EPA CASE NO.:	06-2003-3321	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030415	STATUTE:	SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 265 CITE SECT.: 191
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	Storage Facility Requirements

EPA CASE NO.:	06-2003-3321	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030415	STATUTE:	SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 60 CITE SECT.: 665
CASE RESULT:	Final Order With Penalty	PROGRAM:	State Implementation Plan (SIP)
		VIOLATION TYPE:	Failure to Notify

EPA CASE NO.:	06-2003-3321	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030415	STATUTE: CAA	SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 61 CITE SECT.: 64
CASE RESULT:	Final Order With Penalty	PROGRAM:	NESHAPs
		VIOLATION TYPE:	Violation of a Permit Requirement

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
UNION CARBIDE CORPORATION	§	
RN100219351	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1080-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 Union Carbide Corporation ("Union Carbide") 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 Union Carbide appear before the Commission and together stipulate that:

1. Union Carbide owns and operates a chemical manufacturing plant at 3301 5th Avenue South in Texas City, Galveston 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 Union Carbide agree that the Commission has jurisdiction to enter this Agreed Order, and that Union Carbide is subject to the Commission's jurisdiction.

4. Union Carbide received notice of the violations alleged in Section II ("Allegations") on or about July 19, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Union Carbide of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Two Hundred Thirty-Three Dollars ($10,233) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Union Carbide has paid Eight Thousand One Hundred Eighty-Six Dollars ($8,186) of the administrative penalty and Two Thousand Forty-Seven Dollars ($2,047) is deferred contingent upon Union Carbide'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

Union Carbide fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Union Carbide to pay all or part of the deferred penalty.

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 Union Carbide 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 Union Carbide has implemented the following corrective measures at the Plant:

   a. Conducted specific Global Project Management Training that included review of the requirement that the manufacturing representative is responsible for assuring that all tie-points are tagged in the correct locations. This training was completed on March 22, 2006; and

   b. Updated its release reporting procedures to include the appropriate steps and the information required when reporting air releases in State of Texas Environmental Electronic Reporting System ("STEERS"). This was completed on August 10, 2006.

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 Union Carbide 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, Union Carbide is alleged to have:

1. Failed to prevent unauthorized emissions of 4,551.98 pounds of ethylene during an avoidable emissions event, which began on October 11, 2005, and lasted for one hour, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and Air Permit No. 48988, General Condition 8 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 15, 2006.

2. Failed to show the correct source of emissions in the Final Report for an emissions event which occurred on October 11, 2005, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(4) and TEX.

HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 15, 2006.

III. DENIALS

Union Carbide generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Union Carbide pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Union Carbide'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: Union Carbide Corporation, Docket No. 2006-1080-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. The provisions of this Agreed Order shall apply to and be binding upon Union Carbide. Union Carbide 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.

3. This Agreed Order, issued by the Commission, shall not be admissible against Union Carbide 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.

4. 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.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Union Carbide, or three days after the date on which the Commission mails notice of the Order to Union Carbide, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 2/12/07
For the Executive Director 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, if any, 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 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.

Marilyn L. Doescher 9/21/2006
Signature Date

MARILYN L. DOESCHER SITE RESPONSIBLE CARE LEADER
Name (Printed or typed) Title
Authorized Representative of
Union Carbide Corporation

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.