EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1713-AIR-E **TCEQ ID:** RN100210574 **CASE NO.:** 31079

RESPONDENT NAME: Equistar Chemicals, LP

ORDER TYPE:

__1660 AGREED ORDER	_X_ 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: Equistar Chemicals Chocolate Bayou Complex, Farm-to-Market Road 2917, 12 miles southeast of Liverpool, Alvin, Brazoria County

TYPE OF OPERATION: Chemical manufacturing

SMALL BUSINESS: ___ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one pending court order and three additional pending enforcement actions regarding this facility location, Docket Nos. 2006-1066-AIR-E, 2007-0039-AIR-E, and 2007-0132-AIR-E.

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 March 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Jason Kemp, Enforcement Division, Enforcement Section III, MC 149, (512) 239-5610; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896

TCEQ Field Investigator: Mr. Greg Ruff, Houston Regional Office, MC R-12, (713) 767-3720

Respondent: CT Corporation System, Registered Agent, Equistar Chemicals, LP, 1021 Main Street, Suite 1150, Houston, Texas 77002
Mr. Douglas Mothera, Plant Manager, Equistar Chemicals, LP, P.O. Box 2917, Alvin, Texas 77512

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date of Complaints Relating to this Case:** None **Date of Investigations Relating to this Case:** June 12, 2006 and August 7, 2006 **Date of NOEs Relating to this Case:** August 16, 2006 and September 29, 2006 (NOE) **Background Facts:** These were routine scheduled record reviews for compliance with the air program. Two significant program violations were observed. **AIR** 1) Failure to maintain an emission rate below the allowable emission limits [30 TEX. ADMIN. CODE § 116.115(c), New Source Review (NSR) Permit No. 4634B, Special Condition 1, and TEX. HEALTH & SAFETY CODE§ 382.085(b)]. 2) Failure to maintain an emission rate below the allowable emission limits [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 4634B, Special Condition 1, and TEX. HEALTH & SAFETY CODE§ 382.085(b)].	**Total Assessed:** $14,450 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $14,450 **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 **Findings Order Justification:** This is a Findings Order because the violation involves an emission or discharge of contaminants to the environment where environmental receptors have been exposed to pollutants which exceeded levels that are protective.	**Ordering Provision** The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order, implement improvements to design, operation, or maintenance procedures, in order to address the emission events that occurred on March 28, 2006 and July 14, 2006, and to prevent the recurrence of same or similar incidents; and b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	21-Aug-2006				
PCW	07-Dec-2006	Screening	29-Aug-2006	EPA Due	27-Jun-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN100210574		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	31079	No. of Violations	2
Docket No.	2006-1713-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $12,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 78% Enhancement *Subtotals 2, 3, & 7* $9,750

Notes: The compliance history was enhanced by ten same or similar NOVs, six non similar NOVs, one 1660-style Administrative Order, and reduced by four NOAs.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

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

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

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$253
Approx. Cost of Compliance	$6,000

SUM OF SUBTOTALS 1-7 Final Subtotal $22,250

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 $22,250

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $14,450

DEFERRAL 0% Reduction Adjustment $0

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

Notes: No deferral is recommended because this is a findings order.

PAYABLE PENALTY $14,450

Screening Date	29-Aug-2006	**Docket No.** 2006-1713-AIR-E	**PCW**
Respondent	Equistar Chemicals, LP		*Policy Revision 2 (September 2002)*
Case ID No.	31079		*PCW Revision April 25, 2006*
Reg. Ent. Reference No.	RN100210574		
Media [Statute]	Air Quality		
Enf. Coordinator	Jason Kemp		

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)*	10	50%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	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)*	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*	4	-4%
	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) **78%**

>> 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 The compliance history was enhanced by ten same or similar NOVs, six non similar NOVs, one 1660-style Administrative Order, and reduced by four NOAs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **78%**

Screening Date 29-Aug-2006 **Docket No.** 2006-1713-AIR-E **PCW**

Respondent Equistar Chemicals, LP *Policy Revision 2 (September 2002)*

Case ID No. 31079 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN100210574

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 4634B, Special Condition 1

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

Violation Description Failure to maintain an emission rate below the allowable emission limits. Specifically, on May 28, 2006, over a period of 19.71 hours, the Main Flare (EPN: 319Z4) emitted unauthorized emissions of approximately 11,475 pounds ("lbs") of carbon monoxide, 16,426 lbs of volatile organic compounds ("VOC"), and 1,607 pounds of nitrogen oxides. The permit limits are 165 pounds per hour ("lbs/hr") of carbon monoxide, 215 lbs/hr for VOC, and 23 lbs/hr for nitrogen oxides. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the emissions do not meet the affirmative defense criteria specified in 30 Tex. Admin. Code § 101.222, as documented during an investigation conducted on June 12, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

OR

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to pollutants which exceed levels that are protective to human health or the environment.

Adjustment $0

Base Penalty Subtotal $10,000

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 $10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $211

Statutory Limit Test

Violation Final Penalty Total $17,800

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

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 31079
Reg. Ent. Reference No.: RN100210574
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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	28-May-2006	01-Apr-2007	0.8	$211	n/a	$211
Notes for DELAYED costs	Estimated cost is for implementing training procedures to address the causes that led to the emission event. The Date Required is the date of the emissions event, and the Final Date is the date the respondent is expected to have completed corrective actions.						
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: $5,000

TOTAL: $211

Screening Date 29-Aug-2006 **Docket No.** 2006-1713-AIR-E **PCW**

Respondent Equistar Chemicals, LP *Policy Revision 2 (September 2002)*

Case ID No. 31079 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN100210574

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 4634B, Special Condition 1

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

Violation Description Failure to maintain an emission rate below the allowable emission limits. Specifically, on July 14, 2006, over a period of 1.15 hours, the Main Flare (EPN: 319Z4) emitted unauthorized emissions of approximately 302.75 pounds ("lbs") of volatile organic compounds ("VOCs"), 26.55 lbs of nitrogen oxides ("NOx"), and 190.25 lbs of carbon monoxide ("CO").The permit limits are 165 pounds per hour ("lbs/hr") of carbon monoxide, 215 lbs/hr for VOC, and 23 lbs/hr for nitrogen oxides. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the emissions do not meet the affirmative defense criteria specified in 30 Tex. Admin. Code § 101.222, as documented during an investigation conducted on August 7, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

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 $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $42

Statutory Limit Test

Violation Final Penalty Total $4,450

This violation Final Assessed Penalty (adjusted for limits) $4,450

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 31079
Reg. Ent. Reference No.: RN100210574
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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	14-Jul-2006	20-May-2007	0.8	$42	n/a	$42
Notes for DELAYED costs	Estimated cost to test back-up reactor prior to operating and to ensure adequate storage capacity for off-spec product. Date required based on the date of the emissions event. Final date based on the projected compliance date.						
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: $42

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 3 PERMIT
Description: Failed to monitor the VOCs associated with the outlet cooling tower water samples.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT
Description: Failure to monitor and record speciated VOCs associated with the cooling tower water samples in January and April 2000.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)

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

Description: Failed to conduct quarterly fugitive monitoring of valves 677, 678, 679, 680, and ISA 230 which are subject to HON.

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	05/22/2002	(127833)	71	02/07/2002	(120596)
2	04/22/2002	(127832)	72	04/22/2002	(122838)
3	04/11/2002	(127831)	73	01/31/2002	(120595)
4	03/27/2002	(127830)	74	05/19/2005	(371475)
5	02/15/2002	(127829)	75	05/22/2002	(122839)
6	02/07/2002	(127828)	76	06/22/2005	(375724)
7	01/31/2002	(127827)	77	01/28/2002	(120594)
8	01/28/2002	(127826)	78	05/09/2005	(293362)
9	01/16/2002	(127825)	79	01/16/2002	(120593)
10	08/16/2002	(5949)	80	08/26/2003	(150306)
11	11/28/2001	(127824)	81	11/28/2001	(120592)
12	11/13/2001	(127823)	82	11/13/2001	(120591)
13	07/10/2003	(112566)	83	06/25/2002	(2749)
14	02/28/2006	(452437)	84	08/30/2002	(2527)
15	05/30/2006	(466880)	85	09/29/2005	(375003)
16	07/08/2002	(3189)	86	12/28/2004	(344869)
17	10/26/2004	(338100)	87	11/22/2004	(341355)
18	06/22/2005	(375761)	88	08/15/2002	(5921)
19	12/12/2005	(435274)	89	06/09/2003	(9797)
20	08/16/2006	(484908)	90	08/28/2002	(2311)
21	02/07/2003	(7021)	91	03/18/2005	(373943)
22	10/17/2003	(249037)	92	05/11/2006	(289782)
23	03/15/2005	(371378)	93	06/18/2002	(2521)
24	06/27/2003	(113049)	94	07/03/2002	(3032)
25	08/28/2002	(2533)	95	05/22/2002	(122841)
26	11/22/2004	(341169)	96	03/17/2006	(457658)
27	11/30/2004	(259259)	97	08/09/2005	(376612)
28	09/01/2006	(497420)	98	08/25/2005	(399824)
29	06/23/2006	(457277)	99	03/16/2005	(373784)
30	08/04/2006	(482173)	100	11/29/2004	(289697)
31	07/01/2002	(120605)	101	10/12/2004	(293360)
32	06/24/2002	(2534)	102	07/14/2005	(376596)
33	07/08/2005	(397149)	103	11/22/2004	(341236)
34	07/10/2003	(113014)	104	07/23/2004	(250413)
35	02/16/2006	(454291)	105	12/30/2004	(344993)
36	04/14/2005	(377117)	106	07/10/2003	(113045)

37	12/31/2004	(345634)	107	01/19/2005	(345344)
38	09/11/2006	(490208)	108	08/31/2005	(418729)
39	05/12/2004	(269260)	109	06/18/2002	(2530)
40	05/31/2002	(120604)	110	06/14/2006	(480490)
41	07/19/2004	(278402)	111	07/01/2002	(122844)
42	06/21/2005	(375806)	112	04/26/2006	(459338)
43	08/31/2005	(418596)	113	11/13/2001	(136074)
44	01/31/2005	(347433)	114	05/02/2005	(379552)
45	08/30/2003	(140878)	115	11/28/2001	(136075)
46	12/01/2005	(437309)	116	12/12/2005	(435301)
47	11/13/2001	(122828)	117	01/16/2002	(136076)
48	08/18/2006	(487675)	118	11/22/2004	(341016)
49	11/28/2001	(122829)	119	01/28/2002	(136077)
50	05/22/2002	(120602)	120	01/31/2002	(136078)
51	01/16/2002	(122830)	121	11/22/2004	(341455)
52	07/08/2002	(1553)	122	02/07/2002	(136079)
53	11/22/2002	(15462)	123	02/15/2002	(136080)
54	11/25/2002	(15463)	124	03/27/2002	(136081)
55	11/20/2002	(15464)	125	04/11/2002	(136082)
56	11/22/2004	(341024)	126	04/22/2002	(136083)
57	01/28/2002	(122831)	127	05/23/2006	(463924)
58	05/08/2003	(24581)	128	05/22/2002	(136084)
59	05/22/2002	(120601)	129	07/25/2005	(400224)
60	01/31/2002	(122832)	130	05/09/2003	(28798)
61	04/22/2002	(120600)	131	10/17/2003	(249046)
62	08/15/2002	(7427)	132	05/22/2002	(136085)
63	02/07/2002	(122834)	133	01/07/2005	(344601)
64	04/11/2002	(120599)	134	07/01/2002	(127837)
65	02/15/2002	(122835)	135	11/04/2004	(339181)
66	03/27/2002	(120598)	136	07/01/2002	(136088)
67	03/27/2002	(122836)	137	06/29/2006	(484154)
68	02/15/2002	(120597)	138	05/24/2002	(127835)
69	04/11/2002	(122837)	139	05/22/2002	(127834)
70	11/18/2002	(15465)	140	08/29/2003	(27215)
			141	06/30/2006	(483594)
			142	09/29/2006	(508950)

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

Date: 12/12/2005 (435274)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: OP IA

Description: Failure to equip open-ended lines in HAP service with plugs or caps. The percentage of the open-ended lines in HAP was 3%.
Failure to equip open-ended lines in HAP service with plugs or caps.
Failure to equip open-ended lines in HAP service with plugs or caps.

Self Report? NO Classification: Moderate

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)

Rqmt Prov: OP IA

Description: Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from the benzene wastewater separator (90S4) under NESHAP Subpart FF.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iii)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

Description: Failure to maintain the daily weighted average VOC emission limit of 3.5 lbs VOC/gallon for the coating of miscellaneous metal parts and products in the paint yard on three occasions during the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

Description: Failure to conduct the required performance test under 30 TAC 117 within 60 days of the modification to Boiler (391H1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)[G]

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

Description: Failure to submit a copy of the RATA test reports for boilers (391H1 & 391H2) to the Office of Compliance and Enforcement for testing that was conducted on April 27 & 29, 2004.

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 maintain the maximum firing rate of 600 MM Btu/hr on the boiler (391H1) during the RATA test conducted on May 5, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)(2)

Rqmt Prov: OP IA

Description: Failure to perform a five-day first repair attempt on Pump 316P28 in the Utilities Unit.

Date: 02/07/2003 (28798)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to submit an initial notification after the discovery of an reportable emissions event.

Date: 12/12/2005 (435301)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to monitor 2265 connectors during 1Q of 2004 and 2716 connectors during 3Q of 2004 in the fugitive area of FDISTARO. Failure to monitor 118 connectors during 1Q of 2004, and 915 connectors during 2Q and 3Q of 2004 in the fugitive area of FDISTISO. Failure to monitor six connectors during 2Q of 2004 in the fugi

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to equip five open-ended lines in HAP (hazardous air pollutant) service with plugs or caps in the fugitive area of FDISTISO. The percentage of open-ended line in HAP was 0.2%.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to equip four open-ended lines in VOC service with plugs or caps in the fugitive area of FISOPREN.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to conduct quarterly monitoring on a valve during 1st quarter and 2nd quarter of 2004.

Self Report? NO Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)

Rqmt Prov: OP IA

Description: Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from overhead accumulators (86T1VENT and 86T8VENT) off columns in the Aromatics Unit under HON.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Rqmt Prov: OP IA

Description: Failure to monitor two pumps during April, May, and June of 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164[G]

Rqmt Prov: OP IA

Description: Failure to meet fugitive emissions standards for Compressors 22C1 and 86C1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to tag and monitor valves and connectors associated with Compressor 22C1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Rqmt Prov: OP IA

Description: Failure to perform a five-day first repair attempt on a valve in the Aromatics/Isoprene Unit.

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 IA

Description: Failure to control unauthorized emissions.

Date: 02/28/2006 (452437)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA

PERMIT IA

Description: Complex failed to equip eight open-ended lines in hazardous air pollutant (HAP) with a plug or cap in the fugitive area BDFUG, and also failed to equip two open-ended lines in HAP with a plug or cap in the fugitive area MTBEFUG.

Self Report? NO Classification: Minor

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)

Rqmt Prov: OP IA

Description: Bayou Complex failed to submit a required semiannual report by July 23, 2005.

Self Report? NO Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Rqmt Prov: OP IA

Description: Bayou Complex failed to monitor four pumps during July of 2005.

Self Report? NO Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(c)(1)

Rqmt Prov: OP IA

Description: Complex failed to de-inventory the associated tank 320T802 by August 30, 2005 to repair the leaking flange on the associated pump 320P802.

Date: 11/22/2004 (341024)

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 IA

Description: Failure to minimize the emissions with in MAERT.

Date: 11/22/2004 (341355)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]

Description: Failure to submit the initial notification of the emissions event (Incident #44588) within 24 hours after the start of incident.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: PERMIT IA

Description: Failure to prevent the PSV from lifting and causing the release of air pollutants to the atmosphere

Date: 05/08/2003 (24581)

Self Report? NO Classification: Moderate

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

Description: Equistar failed to control propylene emissions during process operations in the Olefins Unit.

Date: 09/11/2006 (490208)

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 IA

Description: Failure to close a bypass valve which allowed dimethyl sulfide to be routed to the flare.

Date: 12/31/2004 (345634)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

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

Description: Failed to control excess opacity.

Date: 06/23/2006 (457277)

Self Report? NO Classification: Minor

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

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

Rqmt Prov: OP IA

Description: Equistar failed to meet the minimum Btu requirement of 300 Btu/scf on two occasions for the main flare (319Z4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

PERMIT IA

Description: Equistar failed to equip three open-ended lines with caps or plugs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)[G]

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

Rqmt Prov: OP IA

PERMIT IA

Description: Equistar failed to equip one open-ended line with a cap or plug.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)[G]

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

Rqmt Prov: OP IA

PERMIT IA

Description: Equistar failed to equip two open-ended lines with caps or plugs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

PERMIT IA

Description: Equistar failed to equip two open-ended lines with caps or plugs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 115, SubChapter D 115.354(3)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)

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

Rqmt Prov: OP IA

Description: Equistar failed to identify and monitor 31 valves, 54 connectors, and one pump for fugitive emissions between March 25, 2005 and April 28, 2005 in the fugitive area FOLEFINS.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)[G]

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

Description: Equistar failed to submit a copy of the relative accuracy test audit (RATA) test reports for Furnaces 91H1-1, 91H1-3, 91H1-7, and 91H1-8 to the Office of Compliance and Enforcement.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)[G]

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

Description: Equistar failed to continuously operate predictive emissions monitoring system (PEMS) to monitor NOx on five occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)(5)(C)(iii)[G]

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

Description: Equistar failed to perform the required annual PEMS testing on Furnace 91H1-5 within the annual time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

Description: Equistar failed to submit written notifications of RATA tests for Furnaces 91H1-2, 91H1-5, and 91H1-6 within the required time frame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

Description: Equistar failed to make a first attempt to repair leaks no later than one business day and to repair the leaks no later than seven calendar days after the leaks were detected over 10,000 ppmv for fourteen leaking components.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103[G]

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

Rqmt Prov: OP IA

PERMIT IA

Description: Equistar failed to equip five open-ended lines with plugs/caps.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter H 115.782(b)(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

PERMIT IA

Description: Equistar failed to repair the leak within the required time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: OP IA

Description: Equistar failed to submit a Permit by Rule (PBR) application within ten days of the modification to the main flare (319Z4).

Date: 12/30/2004 (345344)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)

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

Description: Failure to control excess opacity.

Date: 08/30/2003 (140878)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to submit an initial notification after the discovery of an reportable emissions event.

Date: 08/29/2003 (27215)

Self Report? NO Classification: Moderate

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

Description: Equistar failed to notify the commission after discovery of an emissions event.

Date: 05/24/2002 (127835)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)

Description: VOC STORAGE/CONTROL RE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)

Description: VOC STORAGE/INSP REQUI

Self Report? NO Classification: Moderate

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

Description: GENERAL CONDITIONS

Date: 11/22/2004 (341455)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]

Description: Failure to submit the initial notification of the emissions event (Incident #45190) within 24 hours after the start of incident.

F. Environmental audits.

Notice of Intent Date: 06/28/2002 (32982)
No DOV Associated

Notice of Intent Date: 07/22/2002 (32991)
No DOV Associated

Notice of Intent Date: 02/09/2005 (371579)
No DOV Associated

Notice of Intent Date: 02/23/2005 (372354)
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

IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) 32212

Location: FM 2917, 12 mi S of Alvin 15 mi SE of Liverpool, Alvin, TX | Rating Date: 9/1/2006
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 03, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 03, 2001 to October 03, 2006

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

Name: Jason Kemp Phone: 512-239-5610

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: 11/11/2004 ADMINORDER 2002-0886-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC13 PERMIT
Description: Failed to operate below the maximum liquid flow rate of 12 gallons per minute to the Wet Air Oxidizer (83 exceedances noted between January 2001 and April 9, 2002) and below the maximum benzene by weight concentration of 100 parts per million (6 exceedances noted between March and April 2002).

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: SC1 PERMIT
Description: Failed to meet VOCs emission limitations of 7.76 tpy as specified in the permit's Maximum Allowable Emission Rate Table ("MAERT"). Emissions from EPN 318Z3 in the Methyl Tertiary Butyl Ether ("MTBE")/Butadiene Unit were 8.75 tpy in 1999 and 8.13 tpy in 2000.

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: SC1 PERMIT
Description: Failed to meet particulate matter emission limitations of .09 tpy as specified in the permit's MAERT. Emissions from EPN 81H2 MTBE/Butadiene Unit were. 0.1 tpy in 1999.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8A PERMIT
Description: Failed to route the waste gas streams from the pressure relief valve located on the Butadiene column to the flare.

Classification: Moderate

Compliance History

Customer/Respondent/Owner-Operator:	CN600124705	Equistar Chemicals, LP	Classification: AVERAGE	Rating: 3.00
Regulated Entity:	RN100210574	EQUISTAR CHEMICALS CHOCOLATE BAYOU COMPLEX	Classification: AVERAGE	Site Rating: 5.00

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0113I
AIR OPERATING PERMITS	PERMIT	1287
AIR OPERATING PERMITS	PERMIT	2259
AIR OPERATING PERMITS	PERMIT	2260
AIR OPERATING PERMITS	PERMIT	2261
AIR OPERATING PERMITS	PERMIT	2643
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5060
AIR NEW SOURCE PERMITS	PERMIT	12467A
AIR NEW SOURCE PERMITS	PERMIT	4634B
AIR NEW SOURCE PERMITS	PERMIT	18423
AIR NEW SOURCE PERMITS	PERMIT	18708
AIR NEW SOURCE PERMITS	PERMIT	19480
AIR NEW SOURCE PERMITS	PERMIT	19558
AIR NEW SOURCE PERMITS	PERMIT	20993
AIR NEW SOURCE PERMITS	PERMIT	31081
AIR NEW SOURCE PERMITS	PERMIT	35470
AIR NEW SOURCE PERMITS	PERMIT	46084
AIR NEW SOURCE PERMITS	PERMIT	46418
AIR NEW SOURCE PERMITS	PERMIT	48203
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0113I
AIR NEW SOURCE PERMITS	PERMIT	52383
AIR NEW SOURCE PERMITS	PERMIT	52393
AIR NEW SOURCE PERMITS	PERMIT	52392
AIR NEW SOURCE PERMITS	REGISTRATION	71973
AIR NEW SOURCE PERMITS	REGISTRATION	75622
AIR NEW SOURCE PERMITS	REGISTRATION	75407
AIR NEW SOURCE PERMITS	REGISTRATION	75391
AIR NEW SOURCE PERMITS	AFS NUM	0048
AIR NEW SOURCE PERMITS	PERMIT	4634B
AIR NEW SOURCE PERMITS	EPA ID	PSDTX988
AIR NEW SOURCE PERMITS	REGISTRATION	71671
AIR NEW SOURCE PERMITS	PERMIT	53893
AIR NEW SOURCE PERMITS	PERMIT	53896
AIR NEW SOURCE PERMITS	REGISTRATION	72531
AIR NEW SOURCE PERMITS	REGISTRATION	73049
AIR NEW SOURCE PERMITS	REGISTRATION	73612
AIR NEW SOURCE PERMITS	REGISTRATION	74126
AIR NEW SOURCE PERMITS	REGISTRATION	74623
AIR NEW SOURCE PERMITS	REGISTRATION	74624
AIR NEW SOURCE PERMITS	REGISTRATION	74627
AIR NEW SOURCE PERMITS	REGISTRATION	76666
AIR NEW SOURCE PERMITS	REGISTRATION	77176
AIR NEW SOURCE PERMITS	REGISTRATION	77842
AIR NEW SOURCE PERMITS	REGISTRATION	78280
AIR NEW SOURCE PERMITS	REGISTRATION	78332
AIR NEW SOURCE PERMITS	REGISTRATION	78395
AIR NEW SOURCE PERMITS	REGISTRATION	78399
AIR NEW SOURCE PERMITS	REGISTRATION	78613
AIR NEW SOURCE PERMITS	REGISTRATION	78775
AIR NEW SOURCE PERMITS	REGISTRATION	79182
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200493
WATER LICENSING	LICENSE	0200493
USED OIL	ID NUMBER	HOU00063
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980627
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32212
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50057

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
EQUISTAR CHEMICALS, LP	§	
RN100210574	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1713-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("Equistar") 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 Equistar presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. Equistar owns and operates a chemical manufacturing plant located at FM 2917, 12 miles Southeast of Liverpool in Alvin, Brazoria County, Texas (the "Plant").

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

3. During an investigation on June 12, 2006, TCEQ staff documented that Equistar failed to maintain an emission rate below the allowable emission limits. Specifically, on May 28, 2006, over a period of 19.71 hours, the Main Flare (EPN: 319Z4) emitted unauthorized emissions of approximately

11,475 pounds ("lbs") of carbon monoxide, 16,426 lbs of volatile organic compounds ("VOC"), and 1,607 pounds of nitrogen oxides. The permit limits are 165 pounds per hour ("lbs/hr") of carbon monoxide, 215 lbs/hr for VOC, and 23 lbs/hr for nitrogen oxides. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the emissions do not meet the affirmative defense criteria specified in 30 TEX. ADMIN. CODE § 101.222.

4. During an investigation on August 7, 2006, TCEQ staff documented that Equistar failed to maintain an emission rate below the allowable emission limits. Specifically, on July 14, 2006, over a period of 1.15 hours, the Main Flare (EPN: 319Z4) emitted unauthorized emissions of approximately 302.75 lbs of VOCs, 26.55 lbs of nitrogen oxides, and 190.25 lbs of carbon monoxide. The permit limits are 165 lbs/hr of carbon monoxide, 215 lbs/hr for VOC, and 23 lbs/hr for nitrogen oxides. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the emissions do not meet the affirmative defense criteria specified in 30 TEX. ADMIN. CODE § 101.222.

5. Equistar received notice of the violations on August 18, 2006 and October 4, 2006.

II. CONCLUSIONS OF LAW

1. Equistar is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, Equistar failed to maintain an emission rate below the allowable emission limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 4634B, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 4, Equistar failed to maintain an emission rate below the allowable emission limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 4634B, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

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

5. An administrative penalty in the amount of Fourteen Thousand Four Hundred Fifty Dollars ($14,450) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Equistar has paid the Fourteen Thousand Four Hundred Fifty Dollar ($14,450) administrative penalty.

III. ORDERING PROVISIONS

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

1. Equistar is assessed an administrative penalty in the amount of Fourteen Thousand Four Hundred Fifty Dollars ($14,450), as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Equistar's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2006-1713-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. It is further ordered that Equistar shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement improvements to design, operation, or maintenance procedures, in order to address the emission events that occurred on March 28, 2006 and July 14, 2006, and to prevent the recurrence of same or similar incidents; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision 2.a.

   The certification required by Ordering Provision 2.b. 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."

   Submit all correspondence, reports, and documentation required by these Ordering Provisions 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:

Manager
Air Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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

4. If Equistar 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, Equistar's failure to comply is not a violation of this Agreed Order. Equistar has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Equistar shall notify the Executive Director within seven days after Equistar becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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

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

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

8. This Agreed Order, issued by the Commission, shall not be admissible against Equistar in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

4/12/07
Date

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

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

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

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

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

D R Mathera
Signature

12/14/06
Date

Douglas Mathera
Name (printed or typed)
Authorized Representative
Equistar Chemicals, LP

Plant Manager
Title

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