

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1232-AIR-E TCEQ ID: RN100210319 CASE NO.: 30175
RESPONDENT NAME: EQUISTAR CHEMICALS, LP

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1515 Miller Cut Off Road, La Porte, Harris County

TYPE OF OPERATION: Petrochemical manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is a 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 June 11, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kathleen C. Decker, Litigation Division, MC 175, (512) 239-6500; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-8938

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Section III, MC R-12, (713) 422-8938

TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637

Respondent: Mr. Marcus W. Gaddy, Plant Manager, Equistar Chemicals, LP, P.O. Drawer D, Deer Park, Texas 77536

Respondent's Attorney: Ms. Jennifer Keane, Baker Botts, LLP, 1500 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2007 JUN 10 PM 4:23
 CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigations Relating to this Case: May 5, 2006, April 21, 2006 and July 7, 2006</p> <p>Date of NOV/NOE Relating to this Case: August 7, 2006 (NOE)</p> <p>Background Facts: An EDPRP was filed on November 16, 2006. A signed Agreed Order was received on February 23, 2007 and placed on the next available Agenda.</p> <p>AIR:</p> <p>1. Failed to prevent unauthorized emissions. Specifically, 38,576 lbs. of Highly Reactive Volatile Organic Compound ("HRVOC") Ethylene were released from a distance vent to the atmosphere during an emissions event which began on December 22, 2003 in the ABIII Unit and lasted until April 1, 2004 (2,433 hours) [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 4477, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to prevent unauthorized emissions. Specifically, 7.07 lbs. of the HRVOCs Ethylene and Propylene, 1.28 lbs. of the VOC Acetylene, 48.15 lbs. of Carbon Monoxide, and 6.85 lbs. of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 5,673.24 lbs. of Ethylene and Propylene, 24.26 lbs. of Acetylene, 8,316.5 lbs. of Carbon Monoxide, and 1,522 lbs. of Nitrogen Oxides were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on October 25, 2005 in the QE1 Olefins Unit and lasted for three hours and 30 minutes [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 18978, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to prevent unauthorized emissions. Specifically, 37.60 lbs. of the HRVOCs Ethylene and Propylene, 114.86 lbs. of other VOCs including Acetylene, Butane, Isobutane, Pentane and Propane, 116.6 lbs. of Carbon Monoxide, and 17.7 lbs. of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 87.58 lbs. of Ethylene and Propylene, 1.87 lbs. of Acetylene, and 547.62 lbs. of Carbon Monoxide were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on December 24, 2005 in the QE 1 Olefins Unit and lasted for 11 hours and 29 minutes [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 18978, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$96,106</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Paid to General Revenue: \$96,106</p> <p>The Respondent has paid the \$96,106 administrative penalty amount in full.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classifications: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>This is a Findings Order because Violation No. 1 is an excessive emissions event and because the Respondent demonstrated an absence of management practices designed to ensure compliance due to its extensive compliance history of unauthorized emissions.</p>	<p>The Executive Director recognizes that the Respondent submitted corrective action documentation on July 27, 2004 which reflects that the Respondent replaced cylinder packing in a primary compressor in the ABIII Unit and implemented a schedule for future packing replacements to prevent a recurrence of the emissions event of December 22, 2003.</p> <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, implement measures designed to ensure proper reporting of emissions events. 2. Within 45 days, submit written, notarized certification, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 1. 3. By January 1, 2008: <ol style="list-style-type: none"> a. Complete improvements to design and operation procedures in order to address the emission events that occurred on October 25, and December 24, 2005 and to prevent the recurrence of same or similar incidents; and b. Submit written, notarized certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.a.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to prevent unauthorized emissions. Specifically, 5.46 lbs. of the HRVOCs Ethylene and Propylene, 7.42 lbs. of Carbon Monoxide, and 1.03 lbs. of Nitrogen Oxides were released from the L3 Flare (EPN L3FLARE), and 1,569.72 lbs. of the HRVOC Ethylene and 176.08 lbs. of Particulate Matter were released as process fugitives (EPN L3FUG) during an emissions event which began on March 12, 2006 in the ABIII Unit and lasted for one hour [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 4477, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006. Specifically, the initial notification for the December 22, 2003 emission event was required to be submitted within 24 hours of discovery of the event in January 2004, but was not submitted until July 22, 2004; the final report for the December 22, 2003 emission event was required to be submitted by April 15, 2004, but was not submitted until August 13, 2004; the flare's products of combustion in the QE 1 Olefins Unit exceeded the reportable quantity during the October 25, 2005 emissions event, and although the initial notification was submitted within 24 hours as required, a separate report was not submitted for the flare's products of combustion; and the final report for the March 12, 2006 emission event was required to be submitted by March 26, 2006, but was not submitted until March 27, 2006 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B), 101.201(a)(2) and 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

DATES	Assigned	26-Jun-2006	Screening	11-Jul-2006	EPA Due	18-Mar-2007
	PCW	31-Jan-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN100210319		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	30175	No. of Violations	5
Docket No.	2006-1232-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,400
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	239% Enhancement	Subtotals 2, 3, & 7	\$72,656
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Notes: The penalty was enhanced by 20 NOVs for the same or similar violations, 15 NOVs for unrelated violations, 28 months of self-reported effluent violations and three 1660-style Agreed Orders. The penalty was reduced by five Notices of Audit and one Disclosure of Violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

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

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,023	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$20,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$103,056
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$103,056
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$96,106
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended because this is a Findings Order.

PAYABLE PENALTY	\$96,106
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Screening Date: 11-Jul-2006

Docket No: 2006-1232-AIR-E

PCW

Respondent: Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No: 30175

PCW Revision April 25, 2006

Reg. Ent. Reference No: RN100210319

Media (Statute): Air Quality

Enf. Coordinator: Kimberly Morales

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 (<i>number of NOVs meeting criteria</i>)	20	100%
	Other written NOVs	43	86%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were</i>	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 239%

>> **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 penalty was enhanced by 20 NOVs for the same or similar violations, 15 NOVs for unrelated violations, 28 months of self-reported effluent violations and three 1660-style Agreed Orders. The penalty was reduced by five Notices of Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 239%

Screening Date 11-Jul-2006

Docket No. 2006-1232-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 30175

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100210319

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 1

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(c) and TCEQ Air Permit No. 4477, Special Condition No. 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 38,576 pounds ("lbs") of the Highly Reactive Volatile Organic Compound ("HRVOC") Ethylene was released from a distance vent to the atmosphere during an emissions event which began on December 22, 2003 in the ABIII Unit and lasted until April 1, 2004 (2,433 hours). These emissions were not authorized by TCEQ Air Permit No. 4477. Since this emissions event was avoidable, inaccurately reported, and determined to be excessive, the Respondent 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

		Harm			
		Major	Moderate	Minor	
OR	Actual		X		Percent 50%
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	
Matrix Notes	Falsification				Percent
	Human health or the environment in the Houston-Galveston-Brazoria ozone nonattainment area has been exposed to significant amounts of pollutants, including 19.3 tons of HRVOCs, which do not exceed levels that are protective of human health or environmental receptors.				

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 4 102 Number of violation days

mark only one use a small x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$20,000

Four monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$448

Violation Final Penalty Total \$67,800

This violation Final Assessed Penalty (adjusted for limits) \$67,800

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
 Case ID/No: 30175
 Reg. Ent. Reference No: RN100210319
 Media (Statute): Air Quality
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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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)	\$15,000	22-Dec-2003	27-Jul-2004	0.6	\$448	n/a	\$448

Notes for DELAYED costs: Estimated cost to replace the cylinder packing and implement a schedule for future packing replacements. Date required is the date of the emissions event. Final date is the date of corrective action documentation.

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 \$15,000
TOTAL \$448

Screening Date 11-Jul-2006

Docket No. 2006-1232-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 30175

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100210319

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 2

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 Tex. Admin. Code § 116.115(c) and TCEQ Air Permit No. 18978, Special Condition No. 1

Tex. Health & Safety Code § 382.085(b)

Failed to prevent unauthorized emissions. Specifically, 7.07 lbs of the HRVOCs Ethylene and Propylene, 1.28 lbs of the VOC Acetylene, 48.15 lbs of Carbon Monoxide, and 6.85 lbs of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 5,673.24 lbs of Ethylene and Propylene, 24.26 lbs of Acetylene, 8,316.5 lbs of Carbon Monoxide, and 1,522 lbs of Nitrogen Oxides were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on October 25, 2005 in the QE1 Olefins Unit and lasted for three hours and 30 minutes. Since this emissions event was avoidable and inaccurately reported, the Respondent 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 ozone nonattainment area has been exposed to significant amounts of pollutants, including 5,680.31 lbs of HRVOCs, which do not exceed levels that are protective of human health or environmental receptors.

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 1

Number of violation days 1

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

Statutory Limit Test

Estimated EB Amount \$547

Violation Final Penalty Total \$16,950

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

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
 Case ID No: 30175
 Reg. Ent. Reference No: RN100210319
 Media (Statute): Air Quality
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No comment							

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	25-Oct-2005	01-Jan-2008	2.2	\$547	n/a	\$547

Notes for DELAYED costs: Estimated cost for review and implementation of improved maintenance practices and training. Date required is the date of the emissions event. Final date is the projected date of compliance.

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 \$547

Screening Date 11-Jul-2006

Docket No. 2006-1232-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 30175

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100210319

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 3

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(c) and TCEQ Air Permit No. 18978, Special Condition No. 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 37.60 lbs of the HRVOCs Ethylene and Propylene, 114.86 lbs of other VOCs including Acetylene, Butane, Isobutane, Pentane and Propane, 116.6 lbs of Carbon Monoxide, and 17.7 lbs of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 87.58 lbs of Ethylene and Propylene, 1.87 lbs of Acetylene, and 547.62 lbs of Carbon Monoxide were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on December 24, 2005 in the QE1 Olefins Unit and lasted for 11 hours and 29 minutes. Since this emissions event was avoidable, the Respondent 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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,475

This violation Final Assessed Penalty (adjusted for limits) \$8,475

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
 Case ID No: 30175
 Reg. Ent. Reference No: RN100210319
 Media [Statute]: Air Quality
 Violation No: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit other than that already considered in Violation No. 2.

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 \$0

TOTAL \$0

Screening Date 11-Jul-2006

Docket No. 2006-1232-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No: 30175

PCW Revision April 25, 2006

Reg. Ent. Reference No: RN100210319

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 4

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(c) and TCEQ Air Permit No. 4477, Special Condition No. 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 5.46 lbs of the HRVOCs Ethylene and Propylene, 7.42 lbs of Carbon Monoxide, and 1.03 lbs of Nitrogen Oxides were released from the L3 Flare (EPN L3FLARE), and 1,569.72 lbs of the HRVOC Ethylene and 176.08 lbs of Particulate Matter were released as process fugitives (EPN L3FUG) during an emissions event which began on March 12, 2006 in the ABIII Unit and lasted for one hour. Since this emissions event was inaccurately reported, the Respondent 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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.				

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$8,475

This violation Final Assessed Penalty (adjusted for limits) \$8,475

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
 Case ID No: 30175
 Reg. Ent. Reference No: RN100210319
 Media [Statute]: Air Quality
 Violation No: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	OneTime Costs	IEB 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	\$500	26-Mar-2006	11-May-2007	1.1	\$28	n/a	\$28
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure proper reporting of emissions events. Date required is the date the final report was due. Final date is the projected date of compliance.

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 \$28

Screening Date 11-Jul-2006

Docket No. 2006-1232-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 30175

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100210319

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B), 101.201(a)(2) and 101.201(b)

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

Violation Description Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006. Specifically, the initial notification for the December 22, 2003 emissions event was required to be submitted within 24 hours of discovery of the event in January 2004, but was not submitted until July 22, 2004; the final report for the December 22, 2003 emissions event was required to be submitted by April 15, 2004, but was not submitted until August 13, 2004; the flare's products of combustion in the QE1 Olefins Unit exceeded the reportable quantity during the October 25, 2005 emissions event, and although the initial notification was submitted within 24 hours as required, a separate report was not submitted for the flare's products of combustion; and the final report for the March 12, 2006 emissions event was required to be submitted by March 26, 2006, but was not submitted until March 27, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes The Respondent met at least 70% of the rule requirements.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 4 Number of violation days 3

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$400

Four single events are recommended (one event for each report).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,356

This violation Final Assessed Penalty (adjusted for limits) \$1,356

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
 Case ID No: 30175
 Reg. Ent. Reference No: RN100210319
 Media [Statute]: Air Quality
 Violation No: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No comment							

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit other than that already considered in Violation No. 4.

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 \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator: CN600124705 Equistar Chemicals, LP Classification: AVERAGE Rating: 2.29
 Regulated Entity: RN100210319 EQUISTAR CHEMICALS LA PORTE Classification: AVERAGE Site Rating: 2.43
 COMPLEX

Number(s):	Permit/Registration Description	Account Number	Value
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0770G
	AIR OPERATING PERMITS	PERMIT	1606
	AIR OPERATING PERMITS	PERMIT	2223
	AIR OPERATING PERMITS	PERMIT	2224
	AIR OPERATING PERMITS	PERMIT	2225
	AIR OPERATING PERMITS	PERMIT	2226
	AIR OPERATING PERMITS	PERMIT	51737
	WASTEWATER	PERMIT	WQ0004013000
	WASTEWATER	PERMIT	TPDES0119792
	WASTEWATER	PERMIT	TX0119792
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012680
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000025809
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	85436
	AIR NEW SOURCE PERMITS	PERMIT	19109
	AIR NEW SOURCE PERMITS	PERMIT	2080A
	AIR NEW SOURCE PERMITS	PERMIT	4477
	AIR NEW SOURCE PERMITS	PERMIT	5226
	AIR NEW SOURCE PERMITS	PERMIT	5836
	AIR NEW SOURCE PERMITS	PERMIT	18978
	AIR NEW SOURCE PERMITS	PERMIT	19501
	AIR NEW SOURCE PERMITS	PERMIT	20534
	AIR NEW SOURCE PERMITS	PERMIT	22043
	AIR NEW SOURCE PERMITS	PERMIT	31948
	AIR NEW SOURCE PERMITS	PERMIT	39143
	AIR NEW SOURCE PERMITS	PERMIT	38605
	AIR NEW SOURCE PERMITS	PERMIT	40078
	AIR NEW SOURCE PERMITS	PERMIT	42576
	AIR NEW SOURCE PERMITS	PERMIT	42401
	AIR NEW SOURCE PERMITS	PERMIT	43676
	AIR NEW SOURCE PERMITS	PERMIT	45099
	AIR NEW SOURCE PERMITS	PERMIT	46127
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0770G
	AIR NEW SOURCE PERMITS	AFS NUM	0055
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX818
	AIR NEW SOURCE PERMITS	PERMIT	42349
	AIR NEW SOURCE PERMITS	REGISTRATION	70535
	AIR NEW SOURCE PERMITS	PERMIT	49122
	AIR NEW SOURCE PERMITS	PERMIT	53934
	AIR NEW SOURCE PERMITS	PERMIT	53387
	AIR NEW SOURCE PERMITS	REGISTRATION	74666
	AIR NEW SOURCE PERMITS	REGISTRATION	74778
	AIR NEW SOURCE PERMITS	REGISTRATION	76465
	AIR NEW SOURCE PERMITS	REGISTRATION	76521
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M3
	AIR NEW SOURCE PERMITS	REGISTRATION	77716
	AIR NEW SOURCE PERMITS	REGISTRATION	77957
	AIR NEW SOURCE PERMITS	REGISTRATION	78470
	AIR NEW SOURCE PERMITS	REGISTRATION	78947
	AIR NEW SOURCE PERMITS	REGISTRATION	79239
	WATER LICENSING	LICENSE	1012680
	STORMWATER	PERMIT	TXR05N516
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50383
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	50383
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	85436
	IHW CORRECTIVE ACTION	PERMIT	50383

Location: 1515 MILLER CUT OFF RD, LA PORTE, TX, 77571

Rating Date: 9/1/2005 Repeat Violator: NO

EQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 11, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

July 11, 2001 to July 11, 2006

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

Name: Kimberly Morales

Phone: (713) 422-8938

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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: 03/31/2003

ADMINORDER 2002-0863-AIR-E

Classification: Minor

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Allow unauthorized emissions by failing to re-open a control valve after maintenance, resulting in upset emissions of 13,554 lbs of ethylene, 743 lbs of carbon monoxide, and 144 lbs of nitrogen oxides.

Effective Date: 01/08/2004

ADMINORDER 2003-0630-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the authorized emission limits on the initial and final emission events reports.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to control emission of air contaminants as provided in General Condition No. 8 and Special Condition No. 1 of TCEQ Air Permit No. 18978.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to car-seal close the valve on the waste gas stream line to the incinerator which has the potential to bleed a 2-foot section of pipe between the valves to the atmosphere.

Effective Date: 04/05/2004

ADMINORDER 2003-0117-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Not specified PERMIT

Description: Failure to comply with permitted effluent limits at Outfall 003.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Not specified PERMIT

Description: Failed to report, in writing, effluent violations deviating from permitted limits by more than 40% within five days of becoming aware of the violations.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1	06/13/2002	(235423)
2	06/13/2002	(235422)
3	08/21/2002	(235421)
4	06/13/2002	(235420)
5	03/29/2002	(IE0014975002001)
6	08/21/2002	(8492)
7	06/13/2002	(235419)
8	09/23/2005	(447752)
9	05/11/2005	(378796)
10	08/30/2005	(404242)
11	10/25/2004	(291882)
12	05/24/2002	(1524)
13	04/22/2003	(235418)
14	11/26/2002	(12901)
15	03/16/2006	(454636)
16	07/24/2002	(235417)
17	08/10/2005	(404030)
18	06/13/2002	(235416)
19	06/13/2002	(235415)
20	08/08/2002	(2987)
21	11/21/2005	(435080)
22	04/13/2004	(333148)
23	02/02/2006	(439522)
24	01/20/2006	(439064)
25	02/22/2006	(432284)
26	06/24/2003	(235414)
27	07/08/2005	(397169)
28	12/21/2004	(289537)
29	06/24/2002	(235413)
30	07/01/2004	(333149)
31	08/09/2005	(402106)
32	12/28/2004	(288900)
33	03/21/2005	(427694)
34	08/21/2002	(8495)
35	11/11/2004	(290530)
36	06/13/2002	(235412)
37	04/25/2005	(427695)
38	01/06/2003	(247625)
39	12/13/2004	(291053)
40	08/31/2004	(290544)
41	06/13/2002	(235411)
42	05/24/2005	(427696)
43	08/27/2004	(250439)
44	06/13/2002	(235410)
45	09/21/2005	(431539)
46	12/27/2004	(338823)
47	06/23/2005	(427697)
48	04/01/2003	(23726)
49	12/21/2004	(284737)
50	05/02/2005	(379027)
51	04/04/2003	(247626)
52	05/22/2003	(235409)
53	04/25/2005	(427698)
54	08/08/2005	(404125)
55	12/28/2004	(274165)

57	05/23/2002	(235408)
58	05/26/2006	(467379)
59	02/25/2005	(347533)
60	03/08/2006	(454488)
61	03/11/2004	(260161)
62	12/21/2004	(338825)
63	06/13/2002	(235407)
64	05/26/2006	(467396)
65	05/02/2005	(379023)
66	12/30/2004	(339169)
67	03/16/2006	(454029)
68	12/23/2004	(340085)
69	12/27/2002	(16448)
70	01/26/2006	(431992)
71	01/06/2005	(286945)
72	06/13/2002	(235406)
73	08/31/2004	(272519)
74	07/08/2005	(397159)
75	12/31/2004	(339170)
76	02/02/2006	(439633)
77	04/27/2005	(377666)
78	08/03/2005	(402565)
79	04/22/2003	(235405)
80	12/28/2004	(275757)
81	06/29/2006	(484570)
82	12/28/2004	(287579)
83	04/22/2002	(235404)
84	02/25/2006	(456913)
85	03/13/2006	(458226)
86	12/20/2004	(339171)
87	03/18/2005	(372086)
88	08/30/2002	(8506)
89	06/13/2002	(235403)
90	03/16/2006	(454588)
91	01/05/2005	(342314)
92	08/13/2004	(250482)
93	03/24/2003	(235402)
94	02/24/2006	(451235)
95	03/21/2002	(235401)
96	04/19/2006	(462735)
97	07/06/2005	(398300)
98	12/28/2004	(342437)
99	01/04/2005	(275598)
100	06/13/2002	(235400)
101	07/31/2002	(4126)
102	05/11/2005	(380586)
103	02/23/2006	(455883)
104	11/05/2003	(249524)
105	10/18/2004	(335439)
106	02/20/2003	(235399)
107	12/22/2004	(340087)
108	02/28/2005	(350647)
109	01/02/2003	(18810)
110	08/24/2005	(405380)
111	08/16/2004	(367337)

112	02/25/2005	(347508)
113	12/10/2002	(5090)
114	02/25/2002	(235398)
115	09/14/2005	(431715)
116	09/23/2004	(367338)
117	06/16/2004	(272074)
118	10/20/2004	(367339)
119	02/24/2004	(327907)
120	06/13/2002	(235397)
121	01/24/2003	(19888)
122	11/29/2004	(367340)
123	03/22/2003	(327908)
124	12/22/2004	(340088)
125	08/16/2004	(367341)
126	08/21/2002	(8503)
127	04/22/2004	(327909)
128	05/23/2002	(1520)
129	04/22/2005	(348993)
130	03/16/2006	(455964)
131	05/26/2006	(467382)
132	08/31/2004	(270004)
133	05/24/2004	(327910)
134	01/26/2005	(347775)
135	12/27/2004	(338826)
136	04/20/2005	(350846)
137	03/14/2003	(21929)
138	06/21/2004	(327911)
139	02/21/2006	(453963)
140	08/30/2002	(2742)
141	03/31/2003	(29709)
142	04/22/2004	(327912)
143	12/22/2004	(340090)
144	08/25/2003	(327913)
145	08/25/2005	(405740)
146	09/22/2003	(327914)
147	01/07/2005	(345093)
148	12/10/2004	(253708)
149	12/27/2002	(20265)
150	12/21/2004	(338830)
151	10/21/2003	(327915)
152	07/12/2004	(271763)
153	10/22/2003	(252907)
154	11/25/2003	(327916)
155	06/21/2006	(462913)
156	03/31/2005	(348992)
157	11/12/2004	(338008)
158	06/19/2002	(2358)
159	12/29/2003	(327917)
160	04/28/2004	(327918)
161	02/14/2005	(345107)
162	01/10/2005	(275036)
163	08/31/2004	(271406)
164	12/10/2004	(276453)
165	04/05/2004	(253748)
166	02/02/2006	(439295)
167	06/27/2006	(455405)

169 08/31/2004 (270110)
170 08/26/2004 (254149)
171 06/22/2006 (483443)
172 01/07/2005 (340854)
173 05/31/2006 (466933)
174 02/14/2005 (345108)
175 08/31/2004 (273293)
176 01/23/2003 (IE0018474Q01004)
177 02/23/2005 (390238)
178 02/28/2003 (9857)
179 06/21/2006 (481795)
180 08/23/2005 (404501)
181 12/27/2004 (390239)
182 01/24/2003 (235436)
183 08/24/2005 (392722)
184 03/14/2003 (22326)
185 02/28/2006 (456463)
186 01/23/2002 (235435)
187 07/29/2005 (400016)
188 02/28/2006 (457167)
189 06/13/2002 (235434)
190 06/16/2005 (371763)
191 06/27/2003 (35753)
192 02/28/2006 (457026)
193 05/25/2006 (463280)
194 12/27/2002 (235433)
195 12/28/2004 (275765)
196 01/06/2005 (346266)
197 03/16/2005 (372522)
198 12/27/2001 (235432)
199 08/14/2002 (5893)
200 05/02/2005 (379025)
201 10/31/2004 (288355)
202 08/31/2004 (280376)
203 10/26/2004 (336354)
204 12/20/2004 (285304)
205 11/21/2005 (433841)
206 06/13/2002 (235431)
207 11/25/2002 (235430)
208 06/30/2006 (483762)
209 08/19/2005 (404431)
210 06/16/2004 (271984)
211 04/26/2006 (455073)
212 05/26/2006 (467363)
213 06/13/2002 (235429)
214 05/22/2002 (1391)
215 06/27/2006 (455404)
216 02/14/2005 (345109)
217 06/13/2002 (235428)
218 07/29/2005 (402225)
219 10/21/2002 (235427)
220 12/21/2004 (289814)
221 12/21/2004 (287807)
222 11/01/2001 (235426)
223 05/26/2006 (467391)
224 12/10/2004 (285085)
225 08/29/2003 (149537)

226 05/26/2006 (467375)
 227 07/08/2005 (397164)
 228 12/22/2004 (272306)
 229 06/13/2002 (235425)
 230 02/15/2006 (439561)
 231 08/23/2005 (447751)
 232 09/19/2002 (235424)

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

Date: 07/31/2002 (235421) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2001 (235420) Classification: Moderate
 Self Report? YES
 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: 08/10/2005 (402106) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA IA
 Description: Failure to prevent a pinhole leak on the propylene dryer inlet drain piping.

Date: 01/23/2003 (19888) Classification: Moderate
 Self Report? NO
 Rqmt Prov: OP IA
 Description: Failure to meet permitted effluent limits for TSS Daily Average, and Chlorine Residual.

Date: 04/05/2004 (253748) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Equistar exceeded VOC permit limits during an emissions event.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
 Description: Equistar failed to properly report an emissions event.

Date: 05/31/2003 (235414)
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: 08/19/2005 (404431)
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: PA IA
Description: Failure to prevent an avoidable emissions event.

Date: 07/15/2004 (271763)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT IA
Description: Failure to monitor using an approved method (Cosmo detector)

Date: 05/31/2002 (235413)
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: 04/13/2004 (333148)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2004 (273293)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Equistar failed to prevent pluggage of the impulse lines which resulted in a compressor shutdown.

Date: 07/01/2004 (333149)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2005 (427695)
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: 04/30/2003 (235409)
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: 01/06/2003 (247625)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2002 (235408) Classification: Moderate
Self Report? YES
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: 05/31/2005 (427697) Classification: Moderate
Self Report? YES
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: 08/13/2004 (250482) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7[G]
Description: failed to monitor 23 valves in ethylene service using Method 21.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to report some instances of deviations (CEMS down times & semiannual reporting) in the report dated December 15, 2003.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)
Description: Failure to submit the semiannual reports regarding continuous emissions monitoring system (CEMS) down times.

Date: 04/04/2003 (247626) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/13/2004 (253708) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Equistar failed to re-calibrated the pressure transducers in the reactor system.

Date: 07/29/2005 (402225) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
Rqmt Prov: OP IA
Description: Failure to monitor 24 valves in Volatile Organic Compound (VOC) service using Method 21.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to report three instances of deviations (non reportable emissions events that occurred on January 22, January 26 and April 19, 2004) in the report dated June 21, 2004. The regulated entity submitted these deviations on September 30, 2004.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
Rqmt Prov: OP IA
Description: Failure to cap or plug three open ended lines and two valves at the end of the line in the utilities unit.

Date: 03/31/2003 (235405) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (348992)

Self Report? NO

Classification: Moderate

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

Description: Failed to limit the VOC emissions from surface coating facility activities in three days during certification period in the XL unit/common areas.

Date: 02/28/2003 (235402)

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: 01/20/2006 (439064)

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: It was determined that Equistar failed to maintain the maximum production rate at the ABIII Unit on January 1, 2005.

Self Report? NO

Classification: Minor

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)[G]

Rqmt Prov: OP IA

Description: It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(I).

Self Report? NO

Classification: Moderate

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

Rqmt Prov: OP IA

PERMIT IA

Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 64 occasions in the fugitive area (L3FUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

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

Rqmt Prov: OP IA

PERMIT IA

Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 26 occasions in the fugitive area (MRUFUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report? NO

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.110(a)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

Description: It was determined that Equistar failed to satisfy the conditions of Permitted-by-Rule (PBR) 106.261 for the installation of a propylene seal pot in the ABIII Unit. This constitutes a violation of 30 TAC 116.110(a)(4).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)

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: It was determined that Equistar failed to properly maintain VOC emissions from storage silos(L3SILOS) in the ABIII Unit on the following three occasions: 1,134 ppm on 10/8/04, 1,127 ppm on 4/11/05, and 1,158.6 ppm on 8/9/05. This constitutes a violation of 30 TAC 115.122(a)(1) and 116.115(c).
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: It was determined that Equistar failed to continuously monitor the presence of flare pilot flames for the flare (L3Flare) on May 26 & 27, 2005. This constitutes a violation of 30 TAC 116.115(c).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.146(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: It was determined that Equistar failed to maintain records on industrial wastewater streams as needed to demonstrate compliance with 30 TAC 115.142. This constitutes a violation of 30 TAC 115.146(1).
Date: 01/05/2005 (342314)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Equistar failed to prevent the excess O2 valve from closing.
Date: 12/21/2004 (287807)
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: PA IA
Description: Equistar failed to maintain the proper liquid level in the knockout drum.
Date: 01/31/2003 (235399)
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: 01/31/2002 (235398)
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: 12/20/2004 (339171)
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: PA IA
Description: Equistar failed to maintain the normal operating pressure of the ethylene supply line causing the pressure relief valve to open.

Date: 03/16/2005 (372522)
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: PA IA
Description: Lyondell/Equistar Chemicals, LP failed to open a 12" block valve required for F9 feed in prior to placing DMS in the furnace leading to the temporary poisoning of the MA/PD reactor.

Date: 02/28/2003 (9857)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to operate the Thermal Oxidizer as represented in the Permit Application

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.356(1)(F)
Description: Failure to maintain the record of calibration of fugitive monitoring instrument.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(I)
Description: Failure to maintain the visible emission inspection records for 8 days during the years 2001 and 2002.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.8(a)
Description: Failure to obtain the representative samples during the cooling tower monitoring.

Date: 02/29/2004 (327908)
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: 05/03/2005 (379025)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: The CEMS were not operated in the time shared mode as required. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.

Date: 03/31/2004 (327909)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/17/2006 (454588)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(II)
Description: Violation of 117.213 (e)(4)(B)(II). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

Date: 01/06/2005 (275598)
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: PA IA
Description: Equistar failed failed to prevent the over-pressurization of the depropanizer due to non-condensable impurities in the feed stream from an abnormal upstream process condition.

Date: 04/30/2004 (327910)
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: 12/30/2004 (338823)
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: PA IA
Description: Equistar Chemicals, Inc. failed to maintain the set screws securing the secondary seal resulting in the failure of pump 3604JB.

Date: 05/31/2004 (327911)
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: 08/31/2004 (270110)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Exceeded permit limits.

Date: 01/20/2006 (439066)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: failure to monitor NOx emissions for Boilers G and H on 18 occasions

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 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
Description: It was determined that Equistar failed to equip two open-ended lines with caps/plugs. This constitutes a violation of 30 TAC 115.352(4), 30 TAC 115.783(5), and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.206(l)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: Equistar failed to operate diesel engines outside of the restricted hours between 6:00 a.m. and noon on two occasions. This constitutes a violation of 30 TAC 117.206(l).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: Equistar failed to submit NOx ECT-1 Annual Report for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 101.359(a).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.216(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 117.216(c).

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: It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115(c).

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: It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116.115(c).

Date: 07/06/2005 (398300)
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
Description: Failure to completely seal the plug on the open ended lines.

Date: 07/31/2003 (327913)
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: 08/31/2003 (327914)
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: 08/08/2005 (404125)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Rqmt Prov: PERMIT IA
Description: Failure to monitor 31 valves in VOC service in the olefins unit using 40 CFR part 60, Method 21 within 30 days of addition to the HRVOC Service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to represent emissions from the Propylene Refrigeration Compressor, the Process Gas Compressor, and the Ethylene Refrigeration Compressor sour oil vents from olefins unit in the NSR Permit Application dated October 13, 2003.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT IA
Description: Failure to cap or plug 64 open ended lines in the olefins unit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to report some instances of deviations in the olefins unit in the report dated July 21, 2004. The regulated entity submitted these deviations on October 1, 2004.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT IA
Description: Failure to include the details regarding the CEMS down times (date, time, and nature of the system repairs) in the quarterly reports when CEMS down time exceeded more than 5% of the operating time as required by 40 CFR 60.7(c)(3) in the olefins unit for third quarter of 2004.

Date: 10/31/2003 (327916) Classification: Moderate
Self Report? YES
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: 12/31/2002 (235436) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/17/2006 (454029) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Equistar failed to prevent an avoidable emissions event.

Date: 12/31/2001 (235435) Classification: Moderate
Self Report? YES
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: 11/30/2002 (235433) Classification: Moderate
Self Report? YES
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: 12/13/2004 (291053) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Equistar failed to change the seal air filters and properly conduct maintenance on the rental compressor equipment.

Date: 05/03/2005 (379027) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.

Date: 11/30/2001 (235432) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/17/2006 (454636)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)
Description: Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

Date: 08/24/2005 (392722)
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: PA IA
Description: Lyondell-Equistar Chemicals, LP failed to prevent the C4202 secondary compressor shutdown.

Date: 10/31/2001 (235429)
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: 05/03/2005 (379023)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests.

Date: 04/22/2005 (348993)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to represent the emissions properly in the Permit Amendment Application dated September 17, 1999.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Description: Failure to monitor 11 valves in VOC service in the ABIII Units using 40 CFR part 60, Method 21

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(6)
Description: Failure to repair the pumps in VOC service in the ABIII Units within 15 days and also make the first attempt of repair within five days

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to limit the production rates below the 31,300 lb/hr for five days during certification period in the ABIII Units.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(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 cap or plug 38 open ended lines in the ABIII units.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)
Description: Failure to include the total number of valves and pumps to the fugitive monitoring program (revisions) in the semiannual report for the period ending June 30, 2004.

Date: 09/30/2002 (235427)
 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: 09/30/2001 (235426)
 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: 08/31/2002 (235424)
 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: 08/31/2001 (235423)
 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

Environmental audits.

Notice of Intent Date: 12/05/2003 (263141)
 No DOV Associated

Notice of Intent Date: 10/02/2001 (32828)
 No DOV Associated

Notice of Intent Date: 10/08/2001 (32843)
 Disclosure Date: 07/01/2002

Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354[G] Req Prpv: PERMITSC7, SC8
 40 CFR Part 60, Subpart VV 60.482-8[G] PERMITSC7, SC8
 40 CFR Part 61, Subpart V 61.242-8[G] PERMITSC7, SC8

Description: Incorrect component count for LDAR proram (correct count resulted in net decrease in component count).
 Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354[G] Req Prpv: PERMITSC7
 40 CFR Part 60, Subpart VV 60.482-4[G] PERMITSC7
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1[G] PERMITSC7
 40 CFR Part 61, Subpart V 61.242-4[G] PERMITSC7

Description: Failure to comply with requirements related to pump seals/compressors.

Notice of Intent Date: 10/10/2001 (32844)
 No DOV Associated

Notice of Intent Date: 02/03/2003 (33159)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY



2007 JUL 10 PM 4:23

CHIEF CLERKS OFFICE

IN THE MATTER OF AN
ENFORCEMENT ACTION
AGAINST
EQUISTAR CHEMICALS, LP
RN100210319

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1232-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("Equistar ") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Equistar, represented by Ms. Jennifer Keane of the law firm of Baker Botts, LLP, 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 Agreed Order represents the complete and fully-integrated agreement 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:

FINDINGS OF FACT

1. Equistar owns and operates a petrochemical manufacturing plant located at 1515 Miller Cut Off Road, La Porte, Harris County, Texas ("the Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During an investigation conducted on May 5, 2006, a TCEQ Houston Regional Office investigator documented that Equistar failed to prevent unauthorized emissions. Specifically, 38,576 pounds ("lbs.") of Highly Reactive Volatile Organic Compound ("HRVOC") Ethylene were released from a distance vent to the atmosphere during an emissions event which began on December 22, 2003 in the ABIII Unit and lasted until April 1, 2004 (2,433 hours). These emissions were not authorized by TCEQ Air Permit No. 4477. Since this emissions event was avoidable, inaccurately reported, and determined to be excessive, Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. During an inspection conducted on April 21, 2006, a TCEQ Houston Regional Office investigator documented that Equistar failed to prevent unauthorized emissions. Specifically, 7.07 lbs. of the HRVOCs Ethylene and Propylene, 1.28 lbs. of the VOC Acetylene, 48.15 lbs. of Carbon Monoxide, and 6.85 lbs. of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 5,673.24 lbs. of Ethylene and Propylene, 24.26 lbs. of Acetylene, 8,316.5 lbs. of Carbon Monoxide, and 1,522 lbs. of Nitrogen Oxides were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on October 25, 2005 in the QE1 Olefins Unit and lasted for three hours and 30 minutes. Since this emissions event was avoidable and inaccurately reported, Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
5. During an investigation conducted on April 21, 2006, a TCEQ Houston Regional Office investigator documented that Equistar failed to prevent unauthorized emissions. Specifically, 37.60 lbs. of the HRVOCs Ethylene and Propylene, 114.86 lbs. of other VOCs including Acetylene, Butane, Isobutane, Pentane and Propane, 116.6 lbs. of Carbon Monoxide, and 17.7 lbs. of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 87.58 lbs. of Ethylene and Propylene, 1.87 lbs. of Acetylene, and 547.62 lbs. of Carbon Monoxide were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on December 24, 2005 in the QE 1 Olefins Unit and lasted for 11 hours and 29 minutes. Since this emissions event was avoidable Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. During an inspection conducted on July 7, 2006, a TCEQ Houston Regional Office investigator documented that Equistar failed to prevent unauthorized emissions. Specifically, 5.46 lbs. of the HRVOCs Ethylene and Propylene, 7.42 lbs. of Carbon Monoxide, and 1.03 lbs. of Nitrogen Oxides were released from the L3 Flare (EPN L3FLARE), and 1,569.72 lbs. of the HRVOC Ethylene and 176.08 lbs. of Particulate Matter were released as process fugitives (EPN L3FUG) during an emissions event which began on March 12, 2006 in the ABIII Unit and lasted for one hour. Since this emissions event was inaccurately reported,

Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

7. During investigations conducted on April 21, 2006, May 5, 2006 and July 7, 2006, a TCEQ Houston Regional Office investigator documented that Equistar failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006. Specifically, the initial notification for the December 22, 2003 emission event was required to be submitted within 24 hours of discovery of the event in January 2004, but was not submitted until July 22, 2004; the final report for the December 22, 2003 emission event was required to be submitted by April 15, 2004, but was not submitted until August 13, 2004; the flare's products of combustion in the QE 1 Olefins Unit exceeded the reportable quantity during the October 25, 2005 emissions event, and although the initial notification was submitted within 24 hours as required, a separate report was not submitted for the flare's products of combustion; and the final report for the March 12, 2006 emission event was required to be submitted by March 26, 2006, but was not submitted until March 27, 2006.
8. Equistar received notice of the violations on or about August 12, 2006.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, 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 prevent unauthorized emissions. Specifically, 38,576 ("lbs.") of Highly Reactive Volatile Organic Compound ("HRVOC") Ethylene were released from a distance vent to the atmosphere during an emissions event which began on December 22, 2003 in the ABIII Unit and lasted until April 1, 2004 (2,433 hours), in violation of 30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 4477, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 4, Equistar, failed to prevent unauthorized emissions. Specifically, 7.07 lbs. of the HRVOCs Ethylene and Propylene, 1.28 lbs. of the VOC Acetylene, 48.15 lbs. of Carbon Monoxide, and 6.85 lbs. of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 5,673.24 lbs. of Ethylene and Propylene, 24.26 lbs. of Acetylene, 8,316.5 lbs. of Carbon Monoxide, and 1,522 lbs. of Nitrogen Oxides were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on October 25, 2005 in the QE1 Olefins Unit and lasted for three hours

and 30 minutes, in violation of 30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 18978, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Finding of Fact No. 5, Equistar failed to prevent unauthorized emissions. Specifically, 37.60 lbs. of the HRVOCs Ethylene and Propylene, 114.86 lbs. of other VOCs including Acetylene, Butane, Isobutane, Pentane and Propane, 116.6 lbs. of Carbon Monoxide, and 17.7 lbs. of Nitrogen Oxides were released from the Acetylene Recovery Unit Flare (EPN QE3050B), and 87.58 lbs. of Ethylene and Propylene, 1.87 lbs. of Acetylene, and 547.62 lbs. of Carbon Monoxide were released from the Elevated Flare (EPN QE8050B) during an emissions event which began on December 24, 2005 in the QE 1 Olefins Unit and lasted for 11 hours and 29 minutes, in violation of 30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 18978, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 6, Equistar, by failing to prevent unauthorized emissions. Specifically, 5.46 lbs. of the HRVOCs Ethylene and Propylene, 7.42 lbs. of Carbon Monoxide, and 1.03 lbs. of Nitrogen Oxides were released from the L3 Flare (EPN L3FLARE), and 1,569.72 lbs. of the HRVOC Ethylene and 176.08 lbs. of Particulate Matter were released as process fugitives (EPN L3FUG) during an emissions event which began on March 12, 2006 in the ABIII Unit and lasted for one hour, in violation of 30 TEX. ADMIN. CODE § 116.115(c); TCEQ Air Permit No. 4477, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 7, Equistar, failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006. Specifically, the initial notification for the December 22, 2003 emission event was required to be submitted within 24 hours of discovery of the event in January 2004, but was not submitted until July 22, 2004; the final report for the December 22, 2003 emission event was required to be submitted by April 15, 2004, but was not submitted until August 13, 2004; the flare's products of combustion in the QE 1 Olefins Unit exceeded the reportable quantity during the October 25, 2005 emissions event, and although the initial notification was submitted within 24 hours as required, a separate report was not submitted for the flare's products of combustion; and the final report for the March 12, 2006 emission event was required to be submitted by March 26, 2006, but was not submitted until March 27, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B), 101.201(a)(2) and 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Equistar for violations of the Texas Health and Safety Code

within the Commission's jurisdiction; for violations of rules adopted under such statute; or for violations of orders or permits issued under such statute.

8. An administrative penalty in the amount of ninety-six thousand one hundred six dollars (\$96,106.00) 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 ninety-six thousand one hundred six dollars (\$96,106.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Equistar is assessed an administrative penalty in the amount of ninety-six thousand one hundred six dollars (\$96,106.00) as set forth in Conclusion of Law No. 8 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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Equistar Chemicals, LP; Docket No. 2006-1232-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. Equistar shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Equistar shall implement measures designed to ensure proper reporting of emissions events.
 - b. Within 45 days after the effective date of this Agreed Order, Equistar shall submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.

- c. By January 1, 2008, complete improvements to design and operation procedures in order to address the emission events that occurred on October 25 and December 24, 2005 and to prevent the recurrence of same or similar incidents, and submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation to demonstrate compliance with this Ordering Provision.
- d. The certification required by Ordering Provision Nos. 2.b. and 2.c. 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."

This certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Ms. Linda Vasse
Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023

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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Equistar, or three days after the date on which the Commission mails notice of the Order to Equistar, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Stephen Pendue

For the Executive Director

6/4/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Equistar Chemicals, LP. I represent that 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 Equistar's failure to comply with the Ordering Provisions, if any, in this order and/or its failure to timely pay the penalty amount, may result in:

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

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

Marcus W. Gaddy
Signature

2-20-07
Date

Marcus W. Gaddy
Name (printed or typed)
Authorized Representative
Equistar Chemicals, LP

Plant Manager
Title