EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0132-AIR-E **TCEQ ID:** RN100210574 **CASE NO.:** 32444

RESPONDENT NAME: Equistar Chemicals, LP

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

SITE WHERE VIOLATION(S) OCCURRED: Chocolate Bayou Complex, on Farm-to-Market Road 2004 two miles west of Farm-to-Market Road 2917, near Alvin, Brazoria County

TYPE OF OPERATION: Chemical manufacturing

SMALL BUSINESS: ___ **Yes** _X_ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two pending enforcement actions regarding this facility location, Docket Nos. 2007-0039-AIR-E and 2006-1713-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 July 1, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468
Respondent: Mr. Douglas Mathera, Plant Manager, Equistar Chemicals, LP, P.O. Box 2917, Alvin, Texas 77512-2917
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** December 6, 2005 **Date of NOE Relating to this Case:** January 10, 2007 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **AIR** Failed to prevent unauthorized emissions during an emissions event that started on October 31, 2005. Since the emissions event was determined to be excessive and avoidable, Equistar Chemicals, LP was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Air Permit No. 4634B, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $20,000 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $10,000 **Total Paid to General Revenue:** $10,000 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** The violation involves unauthorized emissions which are excessive emissions events.	**Corrective Actions Taken:** 1) The Executive Director recognizes that Equistar implemented the following corrective measures at the Plant, in accordance with the TCEQ approved Corrective Action Plan that was submitted on March 6, 2007: a. Re-installed continuous purge equipment on the instrument air supply header on December 22, 2005. The purge shut off valve was sealed open and added to the car seal open list that is verified by operations on a quarterly basis. The purge valve was also added to the daily Operating Discipline round sheets to verify the purge is operating correctly; b. An instrument air dew point analyzer was added to the supply line to the Facility on April 25, 2006. The dew point alarm has been set to give warning in advance to allow appropriate measures to be taken; and c. Developed and implemented procedure E-052 on April 24, 2006. The procedure was developed for responding to alarms for moisture in the instrument air and also addresses actions to be taken to reconcile discrepancies between analyzer readings and outlines the corrective actions to follow to lower the dew point below the alarm point after verifying an alarm is valid. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

Attachment A
Docket Number: 2007-0132-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Equistar Chemicals, LP**
Payable Penalty Amount:	**Twenty Thousand Dollars ($20,000)**
SEP Amount:	**Ten Thousand Dollars ($10,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Brazoria County**

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

DATES					
Assigned	22-Jan-2007				
PCW	9-Apr-2007	Screening	29-Jan-2007	EPA Due	7-Oct-2007

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	32444	No. of Violations	1
Docket No.	2007-0132-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 104% Enhancement — *Subtotals 2, 3, & 7* $20,800

Notes: Penalty enhancement due to ten NOVs issued for same or similar violations, eight NOVs issued for unrelated violations, one agreed order with a denial of liability, and one agreed order without a denial of liability. Penalty reduction due to five Notices of Audits submitted and one Disclosure of Violations submitted.

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

Notes: Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent completed corrective actions on April 25, 2006.

Total EB Amounts	$121
Approx. Cost of Compliance	$5,000

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $35,800

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 $35,800

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $20,000

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $20,000

Screening Date 29-Jan-2007 **Docket No.** 2007-0132-AIR-E **PCW**

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

Case ID No. 32444 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100210574

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

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	8	16%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of 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 submitted*)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	1	-2%

		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) 104%

>> **Repeat Violator (Subtotal 3)**

No ***Adjustment Percentage (Subtotal 3)*** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer ***Adjustment Percentage (Subtotal 7)*** 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to ten NOVs issued for same or similar violations, eight NOVs issued for unrelated violations, one agreed order with a denial of liability, and one agreed order without a denial of liability. Penalty reduction due to five Notices of Audits submitted and one Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 104%

Screening Date 29-Jan-2007 **Docket No.** 2007-0132-AIR-E **PCW**

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

Case ID No. 32444 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100210574

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 4634B, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an emissions event that started on October 31, 2005. Specifically, during the October 31, 2005 emissions event the following unauthorized emissions were released from the Olefins Main Flare over a period of forty-five hours and forty minutes: 18,785 pounds (lbs) of carbon monoxide, 10,467.28 lbs of ethylene, 7,272.54 lbs of propylene, 2,795.21 lbs of butene, 2,666.67 lbs of nitrogen oxides, 2,021.81 lbs of 1,3-butadiene, 885.21 lbs of pentane, 383.85 lbs of butane, 259.93 lbs of propane, 118.93 lbs of acetylene, 49.85 lbs of isobutane, and 37.03 lbs of benzene. Since the emissions event was determined to be excessive and avoidable, Equistar Chemicals, LP was unable to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The Houston-Galveston-Brazoria ozone nonattainment area has been exposed to an excessive amount of pollutants, including over 22,500 lbs of highly reactive volatile organic compounds, as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 2 | 2 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $20,000

Two daily events are recommended based on the duration of the violation.

Economic Benefit (EB) for this violation

Estimated EB Amount $121

Statutory Limit Test

Violation Final Penalty Total $35,800

This violation Final Assessed Penalty (adjusted for limits) $20,000

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 32444
Reg. Ent. Reference No. RN100210574
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	31-Oct-2005	25-Apr-2006	0.5	$121	n/a	$121

Notes for DELAYED costs: Estimated cost of preventative actions that would have been necessary to prevent the emissions event. Date required based on the date of the emissions event. Final date based on the date corrective measures were completed.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL: $121

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

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
AIR NEW SOURCE PERMITS	REGISTRATION	80551
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200493
WATER LICENSING	LICENSE	0200493
USED OIL	ID NUMBER	HOU00063
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980627137
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32212
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50057

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

ID Number(s):

Location: On Farm-to-Market Road 2004 two miles West of Farm-to-Market Road 2917 near Alvin, TX | Rating Date: 9/1/2006 | Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 29, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 22, 2002 to January 22, 2007

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

Name: Rebecca Johnson Phone: 713/422-8931

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

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.

Effective Date: 11/18/2006 **ADMINORDER 2006-0495-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #4634B, SC1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 4634B PERMIT
Description: Failure to prevent an avoidable emission event.

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)
2	04/22/2002	(127832)
3	04/11/2002	(127831)
4	03/27/2002	(127830)
5	02/15/2002	(127829)
6	02/07/2002	(127828)
7	01/31/2002	(127827)
8	01/28/2002	(127826)
9	08/16/2002	(5949)
10	07/10/2003	(112566)
11	02/28/2006	(452437)
12	05/30/2006	(466880)
13	07/08/2002	(3189)
14	10/26/2004	(338100)
15	06/22/2005	(375761)
16	12/12/2005	(435274)
17	08/16/2006	(484908)
18	02/07/2003	(7021)
19	10/17/2003	(249037)

20	03/15/2005	(371378)
21	06/27/2003	(113049)
22	08/28/2002	(2533)
23	11/22/2004	(341169)
24	11/30/2004	(259259)
25	09/01/2006	(497420)
26	06/23/2006	(457277)
27	08/04/2006	(482173)
28	07/01/2002	(120605)
29	06/24/2002	(2534)
30	07/08/2005	(397149)
31	07/10/2003	(113014)
32	02/16/2006	(454291)
33	04/14/2005	(377117)
34	12/31/2004	(345634)
35	09/11/2006	(490208)
36	05/12/2004	(269260)
37	05/31/2002	(120604)
38	12/05/2006	(518249)
39	07/19/2004	(278402)
40	06/21/2005	(375806)
41	08/31/2005	(418596)
42	01/31/2005	(347433)
43	08/30/2003	(140878)
44	12/01/2005	(437309)
45	08/18/2006	(487675)
46	10/31/2006	(516242)
47	05/22/2002	(120602)
48	10/19/2006	(511684)
49	07/08/2002	(1553)
50	11/22/2002	(15462)
51	11/25/2002	(15463)
52	11/20/2002	(15464)
53	11/22/2004	(341024)
54	01/28/2002	(122831)
55	05/08/2003	(24581)
56	05/22/2002	(120601)
57	01/31/2002	(122832)
58	04/22/2002	(120600)
59	08/15/2002	(7427)
60	02/07/2002	(122834)
61	04/11/2002	(120599)
62	02/15/2002	(122835)
63	03/27/2002	(120598)
64	03/27/2002	(122836)
65	02/15/2002	(120597)
66	04/11/2002	(122837)
67	11/18/2002	(15465)
68	02/07/2002	(120596)
69	04/22/2002	(122838)
70	01/31/2002	(120595)
71	05/19/2005	(371475)
72	05/22/2002	(122839)
73	06/22/2005	(375724)
74	01/28/2002	(120594)
75	05/09/2005	(293362)
76	08/26/2003	(150306)
77	01/10/2007	(455112)
78	06/25/2002	(2749)
79	08/30/2002	(2527)
80	09/29/2005	(375003)
81	12/28/2004	(344869)
82	11/16/2006	(517613)
83	11/22/2004	(341355)
84	08/15/2002	(5921)
85	06/09/2003	(9797)
86	08/28/2002	(2311)

87	03/18/2005	(373943)
88	05/11/2006	(289782)
89	06/18/2002	(2521)
90	07/03/2002	(3032)
91	05/22/2002	(122841)
92	03/17/2006	(457658)
93	08/09/2005	(376612)
94	08/25/2005	(399824)
95	03/16/2005	(373784)
96	11/29/2004	(289697)
97	10/12/2004	(293360)
98	07/14/2005	(376596)
99	11/22/2004	(341236)
100	07/23/2004	(250413)
101	12/30/2004	(344993)
102	07/10/2003	(113045)
103	01/19/2005	(345344)
104	08/31/2005	(418729)
105	06/18/2002	(2530)
106	06/14/2006	(480490)
107	07/01/2002	(122844)
108	04/26/2006	(459338)
109	05/02/2005	(379552)
110	12/12/2005	(435301)
111	11/22/2004	(341016)
112	01/28/2002	(136077)
113	01/31/2002	(136078)
114	11/22/2004	(341455)
115	02/07/2002	(136079)
116	02/15/2002	(136080)
117	03/27/2002	(136081)
118	04/11/2002	(136082)
119	04/22/2002	(136083)
120	05/23/2006	(463924)
121	05/22/2002	(136084)
122	07/25/2005	(400224)
123	05/09/2003	(28798)
124	11/29/2006	(274682)
125	10/17/2003	(249046)
126	05/22/2002	(136085)
127	01/07/2005	(344601)
128	07/01/2002	(127837)
129	11/04/2004	(339181)
130	07/01/2002	(136088)
131	06/29/2006	(484154)
132	05/24/2002	(127835)
133	05/22/2002	(127834)
134	08/29/2003	(27215)
135	06/30/2006	(483594)
136	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 O-02259, SC 1A

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 O-02259, SC 1A

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 O-02259, SC 1A

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 O-02259, SC 1A

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 O-02259, SC 1A

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: PERMIT NSR 18708, SC 1
OP O-02259, SC 15

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 O-02259, SC 1A

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: PERMIT NSR 19480, SC 4E
OP O-02260, SC 1A
OP O-02260, SC 20

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: PERMIT NSR 19480, SC 4E
OP O-02260, SC 1A
OP O-02260, SC 20

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: PERMIT NSR 19480, SC 4F
OP O-02260, SC 1A
OP O-2260, SC 20

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 O-02260, SC 1A

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 O-02260, SC 1A

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 O-02260, SC 1A

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: PERMIT NSR 19480, SC 4F
OP O-02260, SC 1A
OP O-02260, SC 20

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 O-02260, SC 1A

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

Date: 12/30/2004 (344993)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ Permit #4634B, Special Condition #1

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: PERMIT NSR 19558, SC 2E
PERMIT NSR 20993, SC 9E
OP O-02261, SC 1A & 13

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 O-02261, SC 1A

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 O-02261, SC 1A

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 O-02261, SC 1A

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 4634B, S.C. No.1

Description: Failure to minimize the emissions with in MAERT.

Date: 11/16/2006 (517613)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 19558, Special Condition No. 1

Description: Failure to prevent a pinhole leak on piping.

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 19480, S.C.No.1

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 TCEQ Permit No. 4634B

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 Title V O-01287, SC 1A

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: PERMIT NSR 4634B, SC 19E
OP Title V O-01287, SC 1A and 14

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: PERMIT NSR 4634B, SC 19E
OP Title V O-01287, SC 1A and 14

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: PERMIT NSR 4634B, SC 19E
OP Title V O-01287, SC 1A and 14

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: PERMIT NSR 4634B, SC 19E
OP Title V O-01287, SC 1A and 14

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 Title V O-01287, SC 1A

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 Title V O-01287, SC 1A

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 Title V O-01287, SC 1A

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 Title V O-1287, SC 1A

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 Title V O-01287, SC 1A

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 Title V O-01287, SC 1A

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: PERMIT NSR 4634B, SC 19E
OP Title V O-01287, SC 1A, 1D, and 14

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: PERMIT NSR 4634B, SC 19H
OP Title V O-01287, SC 1A and 14

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 Title V O-01287, SC 14

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

Date: 10/31/2006 (516242)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ Permit No. 19558, SC #1

Description: Equistar failed to prevent a PSV from lifting during a process transfer.

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)
Disclosure Date: **6/9/2005 12:00:00 AM**

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D

Description: Failure to maintain leak records.

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H

Description: Failure to maintain leak tags.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

Description: Failure to conduct monitoring.

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Description: Failure to seal an open ended line.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Description: Failed to make first repair attempt within 5 day of detecting a leak.

Notice of Intent Date: **02/23/2005** (372354)
No DOV Associated

Notice of Intent Date: **11/28/2006** (534468)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED ORDER
DOCKET NO. 2007-0132-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 on Farm-to-Market Road 2004 two miles west of Farm-to-Market Road 2917 near 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 a record review on December 6, 2005, TCEQ staff documented unauthorized emissions during an emissions event that started on October 31, 2005. Specifically, during the emissions event that started on October 31, 2005 the following unauthorized emissions were released from the Olefins Main Flare over a period of forty-five hours and forty minutes: 18,785 pounds ("lbs") of carbon monoxide, 10,467.28 lbs of ethylene, 7,272.54 lbs of propylene, 2,795.21 lbs of butene, 2,666.67 lbs of nitrogen oxides, 2,021.81 lbs of 1,3-butadiene, 885.21 lbs of pentane, 383.85 lbs of butane, 259.93 lbs of propane, 118.93 lbs of acetylene, 49.85 lbs of isobutane, and 37.03 lbs of benzene.

4. Equistar received notice of the violations on January 15, 2007.

5. The Executive Director recognizes that Equistar implemented the following corrective measures at the Plant, in accordance with the TCEQ approved Corrective Action Plan that was submitted on March 6, 2007:

   a. Re-installed continuous purge equipment on the instrument air supply header on December 22, 2005. The purge shut off valve was sealed open and added to the car seal open list that is verified by operations on a quarterly basis. The purge valve was also added to the daily Operating Discipline round sheets to verify the purge is operating correctly;

   b. An instrument air dew point analyzer was added to the supply line to the Facility on April 25, 2006. The dew point alarm has been set to give warning in advance to allow appropriate measures to be taken; and

   c. Developed and implemented procedure E-052 on April 24, 2006. The procedure was developed for responding to alarms for moisture in the instrument air and also addresses actions to be taken to reconcile discrepancies between analyzer readings and outlines the corrective actions to follow to lower the dew point below the alarm point after verifying an alarm is valid.

II. CONCLUSIONS OF LAW

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

2. As evidenced by Findings of Fact No. 3, Equistar failed to prevent unauthorized emissions during an emissions event that started on October 31, 2005, in violation of Air Permit No. 4634B, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was determined to be excessive and avoidable,

Equistar was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. 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.

4. An administrative penalty in the amount of Twenty Thousand Dollars ($20,000) 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 Ten Thousand Dollars ($10,000) of the administrative penalty. Ten Thousand Dollars ($10,000) shall be conditionally offset by Equistar's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. Equistar is assessed an administrative penalty in the amount of Twenty Thousand Dollars ($20,000) as set forth in Section II, Paragraph 4 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. 2007-0132-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 implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Ten Thousand Dollars ($10,000) of the assessed administrative penalty shall be offset with the condition that Equistar implement the SEP defined in Attachment A, incorporated herein by reference. Equistar's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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

4. If 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 shall have 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

_____ 8/2/07
For the Executive Director 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 4-30-07
Signature Date

Douglas Mathera Plant Manager
Name (Printed or typed) Title
Authorized Representative of
Equistar Chemicals, LP

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

Attachment A
Docket Number: 2007-0132-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Equistar Chemicals, LP**
Payable Penalty Amount:	**Twenty Thousand Dollars ($20,000)**
SEP Amount:	**Ten Thousand Dollars ($10,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Brazoria County**

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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