

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-0591-AIR-E TCEQ ID: RN100221662 CASE NO.: 35696**  
**RESPONDENT NAME: Equistar Chemicals, LP**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Equistar Corpus Christi Plant, 1501 McKinzie Road, Corpus Christi, Nueces County</p> <p><b>TYPE OF OPERATION:</b> Industrial organic chemical manufacturing company</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action, Docket Number 2007-1469-IHW-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. John M. Cain, Plant Manager, Equistar Chemicals, LP, P.O. Box 10940, Corpus Christi, Texas 78460  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 21, 2008</p> <p><b>Date of NOE Relating to this Case:</b> March 24, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, the Respondent released 3,535.50 pounds ("lbs") of carbon monoxide, 634.78 lbs of nitrogen oxides, 2,554.69 lbs of volatile organic compounds and 102.72 lbs of the Hazardous Air Pollutant benzene from the Olefins Unit during an avoidable emissions event that began December 13, 2007 and lasted seven hours and 44 minutes. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met. Furthermore, as a result of the event, visible emissions exceeded five minutes during a consecutive two hour period [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 111.111(a)(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 4682B, General Conditions and Special Condition No. 27(C)].</p>	<p><b>Total Assessed:</b> \$6,000</p> <p><b>Total Deferred:</b> \$1,200  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,400</p> <p><b>Total Paid to General Revenue:</b> \$2,400</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) Evaluated the trip testing team make-up on March 5, 2008 and made necessary changes to ensure that procedures are properly followed during trip testing operations;</p> <p>b) Evaluated E-1707 bottoms level transmitter on March 5, 2008 for improved reliability;</p> <p>c) Increased the preventative maintenance frequency for all compressor trip testing on March 24, 2008; and</p> <p>d) Evaluated the design of both the oil isolation and trip valves for all compressors on March 24, 2008 for improved reliability.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

Additional ID No(s): NE0051B

**Attachment A**  
**Docket Number: 2008-0591-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Equistar Chemicals, LP  
**Payable Penalty Amount:** Four Thousand Eight Hundred Dollars (\$4,800)  
**SEP Amount:** Two Thousand Four Hundred Dollars (\$2,400)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Beautify Corpus Christi Association-Cleanup of Illegal Dump Sites  
**Location of SEP:** Nueces 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 shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to cleanup unauthorized dump sites, recycle materials when feasible, and properly dispose of all waste. Eligible sites will be limited to those where a responsible party cannot be found or is unable to clean the site and where reasonable efforts have been made to prevent the dumping.

SEP monies will be used for the direct cost of collection and disposal of waste. No SEP monies will be spent on administrative costs.

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 the potential of health threats and diseases associated with illegal dump sites.

C. Minimum Expenditure

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



Equistar Chemicals, LP  
Agreed Order – Attachment A

**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:

Beautify Corpus Christi Association  
Daiquiri Richard, Executive Director  
545 North Upper Broadway  
Corpus Christi, Texas 78746

**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.





Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision February 29, 2008

TCEQ

DATES	Assigned	31-Mar-2008	Screening	8-Apr-2008	EPA Due	20-Dec-2008
	PCW	8-Apr-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Equistar Chemicals, LP
Reg. Ent. Ref. No.	RN100221662
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35696	No. of Violations	1	
Docket No.	2008-0591-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	John Muennink	
Multi-Media		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$5,000</b>
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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.

<b>Compliance History</b>	45% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$2,250</b>
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Notes: Enhancement due to two NOVs with same or similar violations, 11 NOVs with unrelated violations, including seven self-reported monthly effluent violations and one 1660 Agreed Order. Reduction due to seven notice of audit letters submitted.

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

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	<b>\$1,250</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent completed corrective action on March 24, 2008.

<b>Total EB Amounts</b>	<b>\$28</b>	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
<b>Approx. Cost of Compliance</b>	<b>\$2,000</b>	<b>*Capped at the Total EB \$ Amount</b>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$6,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	<b>\$6,000</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$6,000</b>
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	<b>-\$1,200</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$4,800</b>
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Screening Date 8-Apr-2008

Docket No. 2008-0591-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 35696

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100221662

Media [Statute] Air

Enf. Coordinator John Muennink

**Compliance History Worksheet**

## &gt;&gt; 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> )	2	10%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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 submitted</i> )	7	-7%
	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> )	0	0%
<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)** 45%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

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

## &gt;&gt; Compliance History Summary

**Compliance History Notes** Enhancement due to two NOVs with same or similar violations, 11 NOVs with unrelated violations, including seven self-reported monthly effluent violations and one 1660 Agreed Order. Reduction due to seven notice of audit letters submitted.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

<b>Screening Date</b>	8-Apr-2008	<b>Docket No.</b>	2008-0591-AIR-E	<b>PCW</b>
<b>Respondent</b>	Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35696	<i>PCW Revision February 29, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN100221662			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	John Muennink			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 111.111(a)(4), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 4682B, General Conditions and Special Condition No. 27(C)
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,535.50 pounds ("lbs") of carbon monoxide, 634.78 lbs of nitrogen oxides, 2,554.69 lbs of volatile organic compounds and 102.72 lbs of the Hazardous Air Pollutant benzene from the Olefins Unit during an avoidable emissions event that began December 13, 2007 and lasted seven hours and 44 minutes. Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met. Furthermore, as a result of the event, visible emissions exceeded five minutes during a consecutive two hour period.

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	x	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="50%"/>

>> Programmatic Matrix

	Falsification	3/24/2008	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes** Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent:** Equistar Chemicals, LP  
**Case ID No.:** 35696  
**Reg. Ent. Reference No.:** RN100221662  
**Media:** Air  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$2,000	13-Dec-2007	24-Mar-2008	0.3	\$28	n/a	\$28

Notes for DELAYED costs

Estimated expense to ensure that procedures are properly followed during trip testing operations. Date Required is the date of the emissions event. Final Date is the date that corrective actions 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

\$2,000

TOTAL

\$28

## Compliance History

Customer/Respondent/Owner-Operator: CN600124705 Equistar Chemicals, LP Classification: AVERAGE Rating: 2.88  
 Regulated Entity: RN100221662 EQUISTAR CORPUS CHRISTI PLANT Classification: AVERAGE Site Rating: 3.57  
 ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0051B
AIR OPERATING PERMITS	PERMIT	1486
WASTEWATER	PERMIT	WQ0002075000
WASTEWATER	PERMIT	TPDES0076996
WASTEWATER	PERMIT	TX0076996
AIR NEW SOURCE PERMITS	PERMIT	4682B
AIR NEW SOURCE PERMITS	PERMIT	6745B
AIR NEW SOURCE PERMITS	PERMIT	10664A
AIR NEW SOURCE PERMITS	PERMIT	18358
AIR NEW SOURCE PERMITS	PERMIT	26401
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0051B
AIR NEW SOURCE PERMITS	PERMIT	51781
AIR NEW SOURCE PERMITS	AFS NUM	4835500089
AIR NEW SOURCE PERMITS	EPA ID	PSDTX761
AIR NEW SOURCE PERMITS	EPA ID	PSDTX732
AIR NEW SOURCE PERMITS	REGISTRATION	78877
AIR NEW SOURCE PERMITS	EPA ID	P732M2
AIR NEW SOURCE PERMITS	EPA ID	P732M1
AIR NEW SOURCE PERMITS	EPA ID	P732
AIR NEW SOURCE PERMITS	PERMIT	83864
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1120
UNDERGROUND INJECTION CONTROL	PERMIT	WDW152
UNDERGROUND INJECTION CONTROL	PERMIT	WDW153
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000836445
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31685
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000836445
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000836445
STORMWATER	PERMIT	TXR05L891
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31685

Location: 1501 MCKINZIE RD, CORPUS CHRISTI, TX, 78410 Rating Date: 9/1/2007 Repeat Violator: NO  
 TCEQ Region: REGION 14 - CORPUS CHRISTI  
 Date Compliance History Prepared: March 31, 2008  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: March 31, 2003 to March 31, 2008

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

Name: John Muennink Phone: (361) 825-3423

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/13/2007

ADMINORDER 2006-1222-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Conditions PERMIT

Description: Failure to comply with the general condition contained in the permit document. Specifically, Equistar failed to comply with the Maximum Allowable Emissions Rate Table (MAERT) for Emission Point Number 23A, Tank F2009A.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Conditions PERMIT

Description: Failure to comply with the general conditions contained in the permit document. Specifically, Equistar failed to comply with the MAERT on September 20, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 4682B General Conditions PERMIT  
PSD-TX-761M1 PERMIT

Description: Failed to prevent the unauthorized release of 73 lbs of benzene from The Benzene Tank, EPN No. 23A, during an emissions event that began on May 1, 2006 and lasted for one hour.

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	04/22/2003	(203288)
2	04/24/2003	(27282)
3	05/20/2003	(203292)
4	05/29/2003	(31476)
5	06/11/2003	(28890)
6	06/24/2003	(203304)
7	06/24/2003	(203296)
8	07/17/2003	(203300)
9	08/20/2003	(149175)
10	08/23/2003	(149148)
11	09/19/2003	(314451)
12	10/24/2003	(314454)
13	11/21/2003	(314455)
14	12/09/2003	(255383)
15	12/08/2003	(255391)
16	12/15/2003	(314456)
17	12/23/2003	(258139)
18	01/06/2004	(255527)
19	01/20/2004	(314457)
20	02/23/2004	(314438)
21	02/27/2004	(262634)
22	02/27/2004	(262638)
23	03/19/2004	(314440)
24	03/23/2004	(266070)
25	03/26/2004	(265559)
26	03/26/2004	(265555)
27	04/22/2004	(314441)
28	05/21/2004	(314443)
29	06/21/2004	(314445)
30	06/21/2004	(314449)
31	06/28/2004	(275725)
32	07/14/2004	(274396)
33	07/15/2004	(277896)
34	07/15/2004	(274093)
35	07/15/2004	(278257)
36	07/21/2004	(314447)
37	07/21/2004	(314452)
38	09/23/2004	(359964)
39	10/20/2004	(359961)
40	11/29/2004	(359962)
41	12/09/2004	(359963)
42	12/14/2004	(359960)
43	12/16/2004	(339654)
44	01/14/2005	(345350)
45	02/09/2005	(349203)
46	02/23/2005	(350977)
47	02/23/2005	(350968)
48	03/22/2005	(386284)
49	03/22/2005	(386285)
50	03/22/2005	(372684)
51	03/22/2005	(372663)
52	04/19/2005	(424181)
53	04/25/2005	(424183)
54	06/20/2005	(424182)
55	06/20/2005	(424184)
56	06/30/2005	(397650)
57	07/20/2005	(401021)
58	07/21/2005	(396829)
59	07/27/2005	(399203)
60	07/27/2005	(398968)
61	08/29/2005	(406863)
62	09/23/2005	(444969)

63	09/23/2005	(444970)
64	09/23/2005	(444971)
65	10/08/2005	(433519)
66	10/14/2005	(475936)
67	11/14/2005	(435247)
68	11/18/2005	(436148)
69	12/14/2005	(438818)
70	12/20/2005	(449950)
71	12/27/2005	(475937)
72	01/03/2006	(497005)
73	02/14/2006	(453564)
74	02/14/2006	(453558)
75	02/14/2006	(475935)
76	03/20/2006	(503169)
77	04/20/2006	(503170)
78	05/12/2006	(464792)
79	05/12/2006	(464782)
80	05/21/2006	(461856)
81	05/21/2006	(461850)
82	05/22/2006	(503171)
83	06/05/2006	(466665)
84	06/19/2006	(503172)
85	06/19/2006	(503173)
86	06/29/2006	(484695)
87	07/07/2006	(485712)
88	08/01/2006	(487607)
89	08/14/2006	(525519)
90	08/22/2006	(488431)
91	09/11/2006	(525523)
92	09/13/2006	(510579)
93	09/15/2006	(486877)
94	09/15/2006	(512148)
95	09/26/2006	(487967)
96	10/12/2006	(525520)
97	10/12/2006	(525521)
98	10/12/2006	(525522)
99	10/16/2006	(514019)
100	10/18/2006	(513459)
101	10/27/2006	(514855)
102	11/06/2006	(585378)
103	11/08/2006	(518139)
104	12/05/2006	(585379)
105	12/19/2006	(533724)
106	01/04/2007	(534598)
107	01/18/2007	(535899)
108	01/31/2007	(538736)
109	02/09/2007	(585371)
110	02/09/2007	(536898)
111	02/18/2007	(538362)
112	02/18/2007	(534352)
113	03/09/2007	(585372)
114	04/06/2007	(585373)
115	04/12/2007	(554052)
116	04/12/2007	(554059)
117	05/14/2007	(560090)
118	05/17/2007	(585374)
119	05/31/2007	(543205)
120	06/14/2007	(585375)
121	07/10/2007	(585376)
122	08/07/2007	(585377)
123	08/29/2007	(573523)
124	09/05/2007	(608531)
125	09/05/2007	(608532)
126	10/08/2007	(608530)
127	12/10/2007	(623665)
128	12/10/2007	(623666)
129	01/23/2008	(614862)
130	01/23/2008	(614842)
131	03/06/2008	(636138)
132	03/25/2008	(636861)
133	03/25/2008	(636868)
134	03/27/2008	(637272)

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

Date: 06/11/2003 (28890)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(B)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(C)

Description: Failure to obtain regulatory authority for, or satisfy all criteria[30 Texas Admin. Code § 101.222(b)] to exempt from compliance limitations, the emissions released from the Olefins Unit during an emissions event on February 14, 2003.

Date:	06/30/2003	(203300)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	08/31/2003	(314451)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2003	(314457)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/06/2004	(255527)	Classification:	Minor
Self Report?	NO			
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)			
Description:	Failure to create a complete final record for an excess emissions event within the time allotted by rule.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)			
Rqmt Prov:	PA 4682B			
Description:	Failure to obtain regulatory authority or meet the demonstration requirements of § 101.222 for emissions resulting from an emissions event which occurred on October 17, 2003.			
Date:	05/31/2004	(314445)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2004	(359963)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2005	(359960)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	07/25/2005	(396829)	Classification:	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	OP Effluent Limitations			
Description:	Failure to comply with self-monitored effluent quality limitations.			
Date:	01/03/2006	(497005)	Classification:	Moderate
Self Report?	NO			
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:	08/21/2006	(488431)	Classification:	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.560 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(a)			
Rqmt Prov:	PERMIT Special Condition 3 PERMIT Special Conditions 24(VHAP) and 25(VOC)			
Description:	Failure to equip open-ended lines with a cap, blind, plug or a secondary valve.			
Date:	08/30/2007	(573523)	Classification:	Minor
Self Report?	NO			
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.560 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(g)(4)			
Rqmt Prov:	PERMIT Permit No. 6745B, Special Condition 3E			
Description:	Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. Specifically, open-ended lines identified in Company Event Nos.: 37296, 39205 and 40015 were not equipped with a cap, blind flange, plug or a second valve as required. A total of 5 open-ended lines for all events combined were found not to have been equipped with a plug, cap, blind flange or second valve.			
Self Report?	NO		Classification:	Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.520  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)  
Rqmt Prov: PERMIT Permit No. 4682B/PSD-TX-761, SC24 & 25  
Description: Failure to conduct monthly monitoring as required by state permit and federal rule. Specifically, six pumps identified in Company Event No.: 37265 were not monitored monthly in accordance with reference method 21. 40 CFR § 63.1023(b) Subpart UU, National Emission Standards For Equipment Leaks: Control Level 2 Standards and TCEQ Air Permit No. 4682B, Special Condition Nos. 24 and 25 are applicable to company event no. 37265.

Date: 08/31/2007 (525521)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 11/28/2006 (534480)

No DOV Associated

Notice of Intent Date: 07/30/2007 (593607)

No DOV Associated

Notice of Intent Date: 08/31/2007 (595543)

No DOV Associated

Notice of Intent Date: 08/31/2007 (595548)

No DOV Associated

Notice of Intent Date: 08/31/2007 (595555)

No DOV Associated

Notice of Intent Date: 09/07/2007 (595516)

No DOV Associated

Notice of Intent Date: 10/10/2007 (598770)

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  
ENFORCEMENT ACTION  
CONCERNING  
EQUISTAR CHEMICALS, LP  
RN100221662**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-0591-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial organic chemical manufacturing company at 1501 McKinzie Road in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 1, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"); nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Dollars (\$6,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Four Hundred Dollars (\$2,400) of the administrative penalty and One Thousand Two Hundred Dollars (\$1,200) is deferred contingent upon the Respondent's timely

CHIEF CLERKS OFFICE

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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Thousand Four Hundred Dollars (\$2,400) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Evaluated the trip testing team make-up on March 5, 2008 and made necessary changes to ensure that procedures are properly followed during trip testing operations;
  - b. Evaluated E-1707 bottoms level transmitter on March 5, 2008 for improved reliability;
  - c. Increased the preventative maintenance frequency for all compressor trip testing on March 24, 2008; and
  - d. Evaluated the design of both the oil isolation and trip valves for all compressors on March 24, 2008 for improved reliability.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 111.111(a)(4), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 4682B, General Conditions and Special Condition No. 27(C), as documented during a record review conducted on February 21, 2008. Specifically, the Respondent released 3,535.50 pounds ("lbs") of carbon monoxide, 634.78 lbs of nitrogen oxides, 2,554.69 lbs of volatile organic compounds and 102.72 lbs of the Hazardous Air Pollutant benzene from the Olefins Unit during an avoidable emissions event that began December 13, 2007 and lasted seven hours and 44 minutes. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met. Furthermore, as a result of the event, visible emissions exceeded five minutes during a consecutive two hour period.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2008-0591-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Four Hundred Dollars (\$2,400) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent'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 the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (i) 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Oliver  
For the Executive Director

7/30/2008  
Date

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

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

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

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

John M. Cain  
Signature

6/9/2008  
Date

JOHN M. CAIN  
Name (Printed or typed)  
Authorized Representative of  
Equistar Chemicals, LP

PLANT MANAGER  
Title

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



Attachment A

Docket Number: 2008-0591-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Equistar Chemicals, LP  
**Payable Penalty Amount:** Four Thousand Eight Hundred Dollars (\$4,800)  
**SEP Amount:** Two Thousand Four Hundred Dollars (\$2,400)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Beautify Corpus Christi Association-Cleanup of Illegal Dump Sites  
**Location of SEP:** Nueces 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 shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to cleanup unauthorized dump sites, recycle materials when feasible, and properly dispose of all waste. Eligible sites will be limited to those where a responsible party cannot be found or is unable to clean the site and where reasonable efforts have been made to prevent the dumping.

SEP monies will be used for the direct cost of collection and disposal of waste. No SEP monies will be spent on administrative costs.

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 the potential of health threats and diseases associated with illegal dump sites.

C. Minimum Expenditure

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:

Beautify Corpus Christi Association  
Daiquiri Richard, Executive Director  
545 North Upper Broadway  
Corpus Christi, Texas 78746

## **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.

