

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0519-AIR-E **TCEQ ID:** RN100210319 **CASE NO.:** 33111

**RESPONDENT NAME:** Equistar Chemicals, LP

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<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 Chemicals La Porte Complex, 1515 Miller Cut Off Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical plant</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 are three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1333-AIR-E, 2007-1354-AIR-E, and one pending at the Attorney General's Office.</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 October 1, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Philip Nangle, Senior Environmental Engineer, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571                  Mr. Wayne R. Gienger (for Marcus W. Gaddy), Acting Plant Manager, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571  <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> January 5 and 24, 2007; March 9 and 16, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 16, and April 4, 2007 (NOVs); March 16 and April 11, 2007 (NOEs)</p> <p><b>Background Facts:</b> These were routine record reviews. Four violations were documented.</p> <p><b>AIR</b></p> <p>1) Failed to prevent unauthorized emissions from November 8 through 10, 2006 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, Special Condition ("SC") No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions on November 21, 2006 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, SC No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failed to prevent unauthorized emissions on January 26, 2007 [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4477, SC No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failed to prevent unauthorized emissions on February 25, 2007 [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4477, SC No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$40,000</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$20,000</p> <p><b>Total Paid to General Revenue:</b> \$20,000</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>Findings Orders Justification:</b> Three repeated enforcement actions over the prior five year period for the same violations.</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. On February 27, 2007, replaced the steam control valve (FV31418);</p> <p>b. On April 15, 2007, implemented a preventative maintenance program for the heat actuated spring loaded mechanism to the AMOT to better maintain equipment reliability; and</p> <p>c. By May 8, 2007, replaced the Furnace 9 DLIV.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, visually identify in the field level switches similar to the one involved in the February 25, 2007 emissions event and train individuals to use caution when working near them; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): HG0770G

**Attachment A**  
**Docket Number: 2007-0519-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Equistar Chemicals, LP  
**Payable Penalty Amount:** Forty Thousand Dollars (\$40,000)  
**SEP Amount:** Twenty Thousand Dollars (\$20,000)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program  
**Location of SEP:** Harris 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 Harris 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.



Equistar Chemicals, LP  
Agreed Order – Attachment A

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:



Equistar Chemicals, LP  
Agreed Order - Attachment A

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)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

**TCEQ**

<b>DATES</b>	Assigned	26-Feb-2007	Screening	2-Apr-2007	EPA Due	17-Nov-2007
	PCW	2-Apr-2007				

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

<b>CASE INFORMATION</b>				
Enf./Case ID No.	33111	No. of Violations	4	
Docket No.	2007-0519-AIR-E	Order Type	Findings	
Media Program(s)	Air	Enf. Coordinator	Miriam Hall	
Multi-Media		EC's Team	EnforcementTeam 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1*

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement *Subtotals 2, 3, & 7*

Notes: Penalty was enhanced for 27 similar NOV's, 42 other NOV's, three 1660 orders, and one Findings order. The penalty was reduced for two Notices of Audit and one Disclosure of Violations.

**Culpability**   Enhancement *Subtotal 4*

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**  Reduction *Subtotal 5*

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

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

**Total EB Amounts**   Enhancement\* *Subtotal 6*   
 \*Capped at the Total EB \$ Amount  
**Approx. Cost of Compliance**

**SUM OF SUBTOTALS 1-7** *Final Subtotal*

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

*Final Penalty Amount*

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty*

**DEFERRAL**  Reduction *Adjustment*

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

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 2-Apr-2007

Docket No. 2007-0519-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 33111

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Miriam Hall

### 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)	27	135%
	Other written NOVs	42	84%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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) 300%

>> 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 was enhanced for 27 similar NOVs, 42 other NOVs, three 1660 orders, and one Findings order. The penalty was reduced for two Notices of Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 300%

Screening Date 2-Apr-2007

Docket No. 2007-0519-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 33111

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, Special Condition ("SC") No. 1, Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the release of 1,812.99 pounds ("lbs") of volatile organic compounds ("VOC"), including 996.21 lbs of Highly-Reactive VOC ("HRVOC"), and 62.45 lbs of hydrogen from the Decoking Drum to the atmosphere during an emissions event which occurred on November 8 through 10, 2006 and lasted 43 hours and 50 minutes. Specifically, Equistar failed to prevent the accumulation of coke fines in the Furnace 9 discharge line isolation valve ("DLIV") which prevented proper seating of the valve resulting in the release of the emissions from the Decoking Drum which is not authorized to release VOC emissions. Since these emissions could have been foreseen and avoided by good maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$10,000

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

## Economic Benefit Worksheet

Respondent Equistar Chemicals, LP  
 Case ID No. 33111  
 Reg. Ent. Reference No. RN100210319  
 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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No commas or \$

**Delayed Costs**

Equipment	\$1,000	8-Nov-2006	8-May-2007	0.5	\$2	\$33	\$35
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of replacing the DLIV valve from the date of the first day of violation to replacement date.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$35

Screening Date 2-Apr-2007

Docket No. 2007-0519-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 33111

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, SC No. 1, Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the release of 3,029 lbs of VOC including 1,840 lbs of HRVOC, 3,528 lbs of carbon monoxide ("CO"), and 678 lbs of nitrogen oxides ("NOx") from the Elevated Flare to the atmosphere during an emissions event which occurred on November 21, 2006 and lasted 14 hours and 30 minutes. Specifically, Equistar failed to prevent the steam control valve (FV31418) to the DeEthanizer reboiler from failing in the closed position resulting in the release which exceeded the authorized emission limits by 2,376.50 lbs for VOC and 1,005 lbs for CO. Since these emissions could have been foreseen and avoided by good maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$94

Violation Final Penalty Total \$20,000

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

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 33111  
**Reg. Ent. Reference No.** RN100210319  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment	\$5,000	21-Nov-2006	27-Feb-2007	0.3	\$4	\$89	\$94
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to replace the steam control valve from the day of violation to replacement date.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	<b>TOTAL</b>	\$94
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Screening Date 2-Apr-2007

Docket No. 2007-0519-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 33111

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit No. 4477, SC No. 1, Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the release of 1,584 lbs of VOC including 1,258 lbs of HRVOC and 126 lbs of particulate matter ("PM") from the AB3 Reactor Vents to the atmosphere during an emissions event which occurred on January 26, 2007 and lasted 3 hours and 24 minutes. Specifically, Equistar failed to maintain the heat actuated spring loaded mechanism to the AMOT high temperature shutdown system in good working order which resulted in the shutdown of the secondary compressor. As part of the safety interlock system, the reactor vents opened to the atmosphere. No emissions are authorized from the AB3 Reactor Vents. Since these emissions could have been avoided by better operation and maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				X
Potential				

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$10,000

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

## Economic Benefit Worksheet

Respondent Equistar Chemicals, LP  
 Case ID No. 33111  
 Reg. Ent. Reference No. RN100210319  
 Media Air  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**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)	\$2,500	26-Jan-2007	15-Apr-2007	0.2	\$27	n/a	\$27

Notes for DELAYED costs

The estimated cost of implementing a preventative maintenance program for the heat actuated spring loaded mechanism to the AMOT to better maintain equipment reliability from the date of the violation until the date program was implemented.

**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

\$2,500

TOTAL

\$27

Screening Date 2-Apr-2007

Docket No. 2007-0519-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 33111

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit No. 4477, SC No. 1, Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the release of 1,440.72 lbs of HRVOC and 181.36 lbs of PM from the AB3 Reactor Vents and 186.96 lbs of HRVOC emissions from a relief valve to the atmosphere during an emissions event which occurred on February 25, 2007 and lasted 2 hours and 34 minutes. Specifically, during the repair of the level switch on the V4219 Flash Gas 1st Stage Knock Out Drum, unbolting the level instruments caused a pressure disturbance on the mercury shutdown switch which resulted in the shutdown of the primary and secondary compressors and the relief valve RV V4214RV1 to lift. As part of the safety interlock system, the reactor auto-depressed to the atmosphere. Since these emissions could have been avoided by better maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$10,000

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

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 33111  
**Reg. Ent. Reference No.** RN100210319  
**Media** Air  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	25-Feb-2007	30-Nov-2007	0.8	\$38	n/a	\$38
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of visually identifying the level switches and additional training for affected personnel from date of violation to projected training completion date.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$38
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# Compliance History

Customer/Respondent/Owner-Operator:	CN600124705 Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.55																																																																																																																																																															
Regulated Entity:	RN100210319 EQUISTAR CHEMICALS LA PORTE COMPLEX	Classification: AVERAGE	Site Rating: 1.91																																																																																																																																																															
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Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: April 25, 2002 to April 25, 2007

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

Name: Miriam Hall Phone: (512) 239-1044

### 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.

1. Effective Date: 03/31/2003 ADMINORDER 2002-0863-AIR-E (1660)  
Classification: Minor  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Allow unauthorized emissions by failing to re-open a control valve after maintenance, resulting in upset emissions of 13,554 lbs of ethylene, 743 lbs of carbon monoxide, and 144 lbs of nitrogen oxides.
2. Effective Date: 01/08/2004 ADMINORDER 2003-0630-AIR-E (1660)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to include the authorized emission limits on the initial and final emission events reports.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: SC 1 PERMIT  
Description: Failure to control emission of air contaminants as provided in General Condition No. 8 and Special Condition No. 1 of TCEQ Air Permit No. 18978.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(e)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to car-seal close the valve on the waste gas stream line to the incinerator which has the potential to bleed a 2-foot section of pipe between the valves to the atmosphere.
3. Effective Date: 04/05/2004 ADMINORDER 2003-0117-IWD-E (1660)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Not specified PERMIT  
Description: Failure to comply with permitted effluent limits at Outfall 003.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Not specified PERMIT  
Description: Failed to report, in writing, effluent violations deviating from permitted limits by more than 40% within five days of becoming aware of the violations.
4. Effective Date: 12/02/2006 ADMINORDER 2006-0295-AIR-E (Findings)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: No.18978, Special Condition No. 1 PERMIT  
Description: Equistar failed to maintain an emission rate below the allowable emission limits.

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	(1391)
2	05/23/2002	(235408)
3	05/23/2002	(1520)
4	05/24/2002	(1524)
5	06/13/2002	(235423)
6	06/13/2002	(235422)
7	06/13/2002	(235420)
8	06/13/2002	(235419)
9	06/13/2002	(235416)
10	06/13/2002	(235415)
11	06/13/2002	(235412)
12	06/13/2002	(235411)
13	06/13/2002	(235410)
14	06/13/2002	(235407)
15	06/13/2002	(235406)
16	06/13/2002	(235403)
17	06/13/2002	(235400)
18	06/13/2002	(235397)
19	06/13/2002	(235434)
20	06/13/2002	(235431)
21	06/13/2002	(235429)
22	06/13/2002	(235428)
23	06/13/2002	(235425)
24	06/19/2002	(2358)
25	06/24/2002	(235413)
26	07/24/2002	(235417)
27	07/31/2002	(4126)
28	08/08/2002	(2987)
29	08/14/2002	(5893)
30	08/21/2002	(235421)
31	08/21/2002	(8492)
32	08/21/2002	(8495)
33	08/21/2002	(8503)
34	08/30/2002	(8506)
35	08/30/2002	(2742)
36	09/19/2002	(235424)
37	10/21/2002	(235427)
38	11/25/2002	(235430)
39	11/26/2002	(12901)
40	12/10/2002	(5090)
41	12/27/2002	(16448)
42	12/27/2002	(20265)
43	12/27/2002	(235433)
44	01/02/2003	(18810)
45	01/06/2003	(247625)
46	01/23/2003	(IE0018474001004)
47	01/24/2003	(19888)
48	01/24/2003	(235436)
49	02/20/2003	(235399)
50	02/28/2003	(9857)
51	03/14/2003	(21929)
52	03/14/2003	(22326)
53	03/22/2003	(327908)
54	03/24/2003	(235402)
55	03/31/2003	(29709)
56	04/01/2003	(23726)
57	04/04/2003	(247626)
58	04/22/2003	(235418)
59	04/22/2003	(235405)
60	05/22/2003	(235409)
61	06/24/2003	(235414)
62	06/27/2003	(35753)
63	08/25/2003	(327913)
64	08/29/2003	(149537)
65	09/22/2003	(327914)
66	10/21/2003	(327915)
67	10/22/2003	(252907)
68	11/05/2003	(249524)

69	11/25/2003	(327916)
70	12/29/2003	(327917)
71	02/24/2004	(327907)
72	03/11/2004	(260161)
73	04/05/2004	(253748)
74	04/13/2004	(333148)
75	04/22/2004	(327909)
76	04/22/2004	(327912)
77	04/28/2004	(327918)
78	05/24/2004	(327910)
79	06/16/2004	(272074)
80	06/16/2004	(271984)
81	06/21/2004	(327911)
82	07/01/2004	(333149)
83	07/12/2004	(271763)
84	08/13/2004	(250482)
85	08/16/2004	(367337)
86	08/16/2004	(367341)
87	08/26/2004	(254149)
88	08/27/2004	(250439)
89	08/31/2004	(290544)
90	08/31/2004	(272519)
91	08/31/2004	(270004)
92	08/31/2004	(271406)
93	08/31/2004	(270110)
94	08/31/2004	(273293)
95	08/31/2004	(280376)
96	09/23/2004	(367338)
97	10/18/2004	(335439)
98	10/20/2004	(367339)
99	10/25/2004	(291882)
100	10/26/2004	(336354)
101	10/31/2004	(288355)
102	11/11/2004	(290530)
103	11/12/2004	(338008)
104	11/29/2004	(367340)
105	12/10/2004	(253708)
106	12/10/2004	(276453)
107	12/10/2004	(285085)
108	12/13/2004	(291053)
109	12/20/2004	(339171)
110	12/20/2004	(285304)
111	12/21/2004	(289537)
112	12/21/2004	(284737)
113	12/21/2004	(338825)
114	12/21/2004	(338830)
115	12/21/2004	(289814)
116	12/21/2004	(287807)
117	12/22/2004	(340087)
118	12/22/2004	(340088)
119	12/22/2004	(340090)
120	12/22/2004	(272306)
121	12/27/2004	(338823)
122	12/27/2004	(338826)
123	12/27/2004	(390239)
124	12/28/2004	(288900)
125	12/28/2004	(274165)
126	12/28/2004	(340085)
127	12/28/2004	(275757)
128	12/28/2004	(287579)
129	12/28/2004	(342437)
130	12/28/2004	(275765)
131	12/30/2004	(339169)
132	12/31/2004	(339170)
133	01/04/2005	(275598)
134	01/05/2005	(342314)
135	01/05/2005	(288752)
136	01/06/2005	(286945)

137	01/06/2005	(346266)
138	01/07/2005	(345093)
139	01/07/2005	(340854)
140	01/10/2005	(275036)
141	01/26/2005	(347775)
142	02/14/2005	(345107)
143	02/14/2005	(345108)
144	02/14/2005	(345109)
145	02/23/2005	(390238)
146	02/25/2005	(347533)
147	02/25/2005	(347508)
148	02/28/2005	(350647)
149	03/16/2005	(372522)
150	03/18/2005	(372086)
151	03/21/2005	(427694)
152	03/31/2005	(348992)
153	04/20/2005	(350846)
154	04/22/2005	(348993)
155	04/25/2005	(427695)
156	04/25/2005	(427698)
157	04/27/2005	(377666)
158	05/02/2005	(379027)
159	05/02/2005	(379023)
160	05/02/2005	(379025)
161	05/11/2005	(378796)
162	05/11/2005	(380586)
163	05/24/2005	(427696)
164	06/16/2005	(371763)
165	06/23/2005	(427697)
166	07/06/2005	(398300)
167	07/08/2005	(397169)
168	07/08/2005	(397159)
169	07/08/2005	(397164)
170	07/29/2005	(400016)
171	07/29/2005	(402225)
172	08/03/2005	(402565)
173	08/08/2005	(404125)
174	08/09/2005	(402106)
175	08/10/2005	(404030)
176	08/19/2005	(404431)
177	08/23/2005	(404501)
178	08/23/2005	(447751)
179	08/24/2005	(405380)
180	08/24/2005	(392722)
181	08/25/2005	(405740)
182	08/30/2005	(404242)
183	09/14/2005	(431715)
184	09/21/2005	(431539)
185	09/23/2005	(447752)
186	10/26/2005	(492909)
187	10/26/2005	(492906)
188	11/21/2005	(435080)
189	11/21/2005	(433841)
190	11/28/2005	(492907)
191	12/21/2005	(492908)
192	01/20/2006	(439064)
193	01/20/2006	(439066)
194	01/26/2006	(431992)
195	02/02/2006	(439522)
196	02/02/2006	(439633)
197	02/02/2006	(439295)
198	02/15/2006	(439561)
199	02/21/2006	(453963)
200	02/22/2006	(432284)
201	02/22/2006	(492904)
202	02/23/2006	(455883)
203	02/24/2006	(451235)
204	02/25/2006	(456913)

205	02/28/2006	(456463)
206	02/28/2006	(457167)
207	02/28/2006	(457026)
208	03/08/2006	(454488)
209	03/13/2006	(458226)
210	03/16/2006	(454636)
211	03/16/2006	(454029)
212	03/16/2006	(454588)
213	03/16/2006	(455964)
214	03/23/2006	(492905)
215	04/19/2006	(462735)
216	04/24/2006	(506468)
217	04/26/2006	(455073)
218	05/25/2006	(506469)
219	05/25/2006	(463280)
220	05/26/2006	(467379)
221	05/26/2006	(467396)
222	05/26/2006	(467382)
223	05/26/2006	(467363)
224	05/26/2006	(467391)
225	05/26/2006	(467375)
226	05/31/2006	(466933)
227	06/21/2006	(462913)
228	06/21/2006	(481795)
229	06/22/2006	(483443)
230	06/26/2006	(506470)
231	06/27/2006	(455405)
232	06/27/2006	(455404)
233	06/29/2006	(484570)
234	06/30/2006	(483762)
235	07/11/2006	(484826)
236	07/14/2006	(486946)
237	07/17/2006	(485587)
238	07/17/2006	(485923)
239	07/19/2006	(506471)
240	08/07/2006	(345081)
241	08/08/2006	(485874)
242	08/09/2006	(490279)
243	08/11/2006	(467626)
244	08/11/2006	(467635)
245	08/18/2006	(528685)
246	08/23/2006	(458894)
247	09/05/2006	(488651)
248	09/05/2006	(488631)
249	09/08/2006	(497595)
250	09/19/2006	(528686)
251	09/19/2006	(528687)
252	10/20/2006	(516566)
253	10/20/2006	(516554)
254	10/20/2006	(516121)
255	10/31/2006	(517252)
256	11/16/2006	(519602)
257	11/17/2006	(516921)
258	11/20/2006	(514502)
259	11/20/2006	(551952)
260	12/11/2006	(531680)
261	12/13/2006	(533373)
262	12/18/2006	(517871)
263	12/20/2006	(551953)
264	01/19/2007	(551954)
265	01/19/2007	(531635)
266	01/26/2007	(535998)
267	02/05/2007	(531641)
268	02/16/2007	(532610)
269	02/20/2007	(536017)
270	02/20/2007	(551951)
271	02/26/2007	(532609)
272	03/05/2007	(542456)

273 03/20/2007 (536006)  
 274 03/20/2007 (532775)  
 275 04/05/2007 (542368)  
 276 04/05/2007 (542369)  
 277 04/05/2007 (542370)  
 278 04/12/2007 (554892)  
 279 04/12/2007 (532611)

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

Date: 04/30/2002 (235408)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/31/2002 (235413)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/31/2002 (235421)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/31/2002 (235424)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/30/2002 (235427)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2002 (235433)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/31/2002 (235436)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/06/2003 (247625)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 01/23/2003 (19888)  
 Self Report? NO Classification: Moderate  
 Rqmt Prov: OP 04013-000  
 Description: Failure to meet permitted effluent limits for TSS Daily Average, and Chlorine Residual.  
 Date: 01/31/2003 (235399)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/28/2003 (235402)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/28/2003 (9857)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 Description: Failure to operate the Thermal Oxidizer as represented in the Permit Application  
 Self Report? NO Classification: Minor

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

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

Citation: 30 TAC Chapter 101, SubChapter A 101.8(a)  
 Description: Failure to obtain the representative samples during the cooling tower monitoring.  
 Date: 03/31/2003 (235405)  
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/04/2003 (247626)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 04/30/2003 (235409)  
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/31/2003 (235414)  
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/30/2003 (235418)  
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/31/2003 (327913)  
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/31/2003 (327914)  
 Self Report? YES Classification: Moderate

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

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/29/2004 (327908)  
 Self Report? YES Classification: Moderate

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

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/05/2004 (253748)  
 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 18978, Special Condition No. 1  
 Description: Equistar exceeded VOC permit limits during an emissions event.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
 Description: Equistar failed to properly report an emissions event.  
 Date: 04/13/2004 (333148)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 04/30/2004 (327910)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/31/2004 (327911)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/01/2004 (333149)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 07/15/2004 (271763)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT NSR Permit # 19109 Special Condition #11  
 PERMIT NSR Permit # 4477 Special Condition #7  
 Description: Failure to monitor using an approved method (Cosmo detector)  
 Date: 08/13/2004 (250482)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7[G]  
 Description: failed to monitor 23 valves in ethylene service using Method 21.

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

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)  
 Description: Failure to submit the semiannual reports regarding continuous emissions monitoring system (CEMS) down times.  
 Date: 08/31/2004 (273293)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Equistar failed to prevent pluggage of the impulse lines which resulted in a compressor shutdown which resulted in excess emissions.  
 Date: 08/31/2004 (270110)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Exceeded permit limits.  
 Date: 12/13/2004 (253708)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA NSR Permit No. 4477  
 Description: Avoidable excess emissions event.  
 Date: 12/13/2004 (291053)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA TCEQ Air Permit #4477, SC #1  
 Description: Equistar failed to change the seal air filters and properly conduct maintenance on the rental compressor equipment which resulted in excess emissions.  
 Date: 12/20/2004 (339171)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA TCEQ Air Permit #5226, SC#1  
 Description: Equistar failed to maintain the normal operating pressure of the ethylene supply line causing the pressure relief valve to open which resulted in excess emissions.

Date: 12/21/2004 (287807)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA TCEQ Air Permit #4477, SC#1  
 Description: Equistar failed to maintain the proper liquid level in the knockout drum resulting in excess emissions.  
 Date: 12/30/2004 (338823)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA TCEQ Air Permit # 18978, SC #1  
 Description: Equistar Chemicals, Inc. failed to maintain the set screws securing the secondary seal resulting in the failure of pump 3604JB and excess emissions.  
 Date: 12/31/2004 (367341)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/05/2005 (342314)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA TCEQ Air Permit #18978, SC#4  
 Description: Equistar failed to prevent the excess O2 valve from closing resulting in excess emissions.  
 Date: 01/06/2005 (275598)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA TCEQ Air Permit #18978, SC#1  
 Description: Equistar failed to prevent the over-pressurization of the depropanizer due to non-condensable impurities in the feed stream from an abnormal upstream process condition which resulted in excess emissions.  
 Date: 03/16/2005 (372522)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA TCEQ Air Permit #18978, SC#1  
 Description: Failed to open a 12" block valve required for F9 feed in prior to placing DMS in the furnace leading to the temporary poisoning of the MA/PA reactor which resulted in excess emissions.  
 Date: 03/31/2005 (427695)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2005 (348992)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)  
 Description: Failed to limit the VOC emissions from surface coating facility activities in three days during certification period in the XL unit/common areas.  
 Date: 04/22/2005 (348993)

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

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

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

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT No. 4477, S.C. No.2  
 OP O-02225, S.C. 11.A

Description: Failure to limit the production rates below the 31,300 lb/hr for five days during certification period in the ABIII Units.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT No. 4477, S.C. No. 11.E  
OP O-02225, S.C. No. 11.A

Description: Failure to cap or plug 38 open ended lines in the ABIII units.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)

Description: Failure to include the total number of valves and pumps to the fugitive monitoring program (revisions) in the semiannual report for the period ending June 30, 2004.

Date: 05/03/2005 (379025)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Permit#18978, SC #10A

Description: The CEMS were not operated in the time shared mode as required. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.

Date: 05/03/2005 (379027)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Permit#18978, SC - 10A

Description: The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.

Date: 05/03/2005 (379023)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Permit Nos. 18978, SC No. 10A

Description: The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests.

Date: 05/31/2005 (427697)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 07/06/2005 (398300)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

Description: Failure to completely seal the plug on the open ended lines resulting in excess emissions.

Date: 07/29/2005 (402225)

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-02224, SC 1.A

Description: Failure to monitor 24 valves in Volatile Organic Compound (VOC) service using Method 21.

Self Report? NO Classification: Moderate

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

Description: Failure to report three instances of deviations (non reportable emissions events that occurred on January 22, January 26 and April 19, 2004) in the report dated June 21, 2004. The regulated entity submitted these deviations on September 30, 2004.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-02224, SC1.A

Description: Failure to cap or plug three open ended lines and two valves at the end of the line in the utilities unit.

Date: 08/08/2005 (404125)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov: PERMIT 18978 & PSD-TX-752M3, SC 13.F

Description: Failure to monitor 31 valves in VOC service in the olefins unit using 40 CFR part 60, Method 21 within 30 days of addition to the HRVOC Service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
Description: Failure to represent emissions from the Propylene Refrigeration Compressor, the Process Gas Compressor, and the Ethylene Refrigeration Compressor sour oil vents from olefins unit in the NSR Permit Application dated October 13, 2003.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT 18978 & PSD-TX-752M3 SC NO.13E  
Description: Failure to cap or plug 64 open ended lines in the olefins unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
Description: Failure to report some instances of deviations in the olefins unit in the report dated July 21, 2004. The regulated entity submitted these deviations on October 1, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT 18978 & PSD-TX-752M3, SC 16E  
Description: Failure to include the details regarding the CEMS down times (date, time, and nature of the system repairs) in the quarterly reports when CEMS down time exceeded more than 5% of the operating time as required by 40 CFR 60.7(c)(3) in the olefins unit for third quarter of 2004.

Date: 08/10/2005 (402106)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PA TCEQ Air Permit #18978, SC#1  
Description: Failure to prevent a pinhole leak on the propylene dryer inlet drain piping.

Date: 08/19/2005 (404431)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PA TCEQ Air Permit No. 19109, SC#1  
Description: Failure to prevent an avoidable emissions event.

Date: 08/24/2005 (392722)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PA TCEQ Air Permit #4477, SC#1  
Description: Failed to prevent the C4202 secondary compressor shutdown resulting in excess emissions.

Date: 09/30/2005 (492906)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (492908)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (492909)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/20/2006 (439064)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT NSR 4477, SC 2  
OP O-02225, SC 11A  
Description: It was determined that Equistar failed to maintain the maximum production rate at the ABIII Unit on January 1, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)[G]  
Rqmt Prov: OP O-02225, SC 1A  
Description: It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(l).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
Rqmt Prov: PERMIT NSR 4477, SC 9E  
OP O-02225, SC 11A  
OP O-02225, SC 1A  
Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 64 occasions in the fugitive area (L3FUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
Rqmt Prov: PERMIT NSR 5836, SC 1E  
OP O-02225, SC 1A & SC 11A  
Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 26 occasions in the fugitive area (MRUFUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Description: It was determined that Equistar failed to satisfy the conditions of Permitted-by-Rule (PBR) 106.261 for the installation of a propylene seal pot in the ABIII Unit. This constitutes a violation of 30 TAC 116.110(a)(4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT NSR 4477, SC 1  
OP O-02225, SC 1A & 11A  
Description: Equistar failed to properly maintain VOC emissions from storage silos(L3SILOS) in the ABIII Unit on the following three occasions: 1,134 ppm on 10/8/04, 1,127 ppm on 4/11/05, and 1,158.6 ppm on 8/9/05.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT NSR 4477, SC 7B  
OP O-02225, SC 11A  
Description: It was determined that Equistar failed to continuously monitor the presence of flare pilot flames for the flare (L3Flare) on May 26 & 27, 2005. This constitutes a violation of 30 TAC 116.115(c).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.146(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP O-02225, SC 5A  
Description: It was determined that Equistar failed to maintain records on industrial wastewater streams as needed to demonstrate compliance with 30 TAC 115.142. This constitutes a violation of 30 TAC 115.146(1).

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
Rqmt Prov: OP SC 1A  
Description: It was determined that Equistar failed to equip two open-ended lines with caps/plugs. This constitutes a violation of 30 TAC 115.352(4), 30 TAC 115.783(5), and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP SC 1A  
Description: Equistar failed to operate diesel engines outside of the restricted hours between 6:00 a.m. and noon on two occasions. This constitutes a violation of 30 TAC 117.206(i).

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.216(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP SC 1A  
Description: It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 117.216(c).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT SC 1  
OP SC 8  
Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115(c).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT SC 1  
OP SC 8  
Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116.115(c).

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

Date: 03/17/2006 (454029)  
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 No. 19109, Special Condition No. 1  
Description: Equistar failed to prevent an avoidable emissions event.

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

Date: 08/29/2006 (458894)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter B 111.205(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Equistar failed to provide fire training notification for the training that occurred on October 6, 2004.

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: Equistar failed to maintain visible emissions from a portable diesel lighting system

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02223, Special Condition 1.A.  
Description: Failure of not repairing pumps seals within the six month deadline. (B19.g.(1))

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02223, Special Condition 1.A.  
OP O-02223, Special Condition 13.A.  
PERMIT Permit 18978/PSD-TX-752M3, SC 13.H.  
Description: Failure to place leaker tags on equipment designating it as leaking components.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02223, Special Condition 1.A.  
Description: Failure to identify fugitive components on tubing/piping associated with a sampling system in "benzene" service. (B19.g.(1))

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02223, Special Condition 1.A.  
OP O-02223, Special Condition 13.A.  
PERMIT Permit 18978/PSD-TX-752M3, SC 13.E.  
Description: Failure to seal open-ended lines in HRVOC and VOC service.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to submit the CEMS downtime report in a timely manner.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to keep the degreaser lid closed.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02223, Special Condition 6.A.(i)  
Description: Failure to ensure trailers being filled with VOCs had a current annual leak test.

Self Report? NO Classification: Moderate  
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)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02223, Special Condition 1.A.  
Description: Failure to ensure the net heating value of flare QE8050B did not drop below 300 Btu/scf. (B19.g.(1))

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(2)  
Description: Failure to ensure the wastewater met the 10 ppm standard. (B19.g.(1))

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to stack test six diesel air compressors and one diesel engine pump. (B19.g.(1))

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02223, Special Condition 13.A.  
PERMIT Permit 18978/PSD-TX-752M3, SC 1  
Description: Failure to ensure two diesel engines did not exceed the permitted tons/year allowable. (B19.g.(1))

Self Report? NO Classification: Moderate

south of AB3 flare within the 30% opacity limit on October 23, 2004.

Date: 10/31/2006 (551952)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

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

Date: 11/16/2006 (519602)

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: PA TCEQ Permit #18978, SC#1

Description: Failure to prevent the unauthorized emissions of HRVOC and VOC from the decoking drum.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include the permit number in the final report.

Date: 12/18/2006 (517871)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to perform the manganese oxide correction analysis.

Date: 02/16/2007 (532610)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02225, Special Condition 1.H

Description: Failure to install a continuous monitoring system for pressure relief valve V4229RV1.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 5836, Special Condition 4E

Description: Failure to seal open-ended lines containing volatile organic compounds.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02225, Special Condition 1.A.

Description: Failure to maintain appropriate records of a land based volatile organic compound (VOC) transfer to a transport vessel.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02225, Special Condition 8.A.(i)

Description: Failure to ensure a tank-truck being filled with VOCs had a current annual leak test.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 4477, Special Condition 3  
OP O-02225, Special Condition 11.A

Description: Failure of preventing the exceedence of the production limit as listed in Table 2 of the confidential section of the permit application. (CATEGORY B19.g.1)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 4477, Special Condition 9F  
OP O-02225, Special Condition 11.A

Description: Failure to conduct valve monitoring for three consecutive quarters.

Date: 02/27/2007 (532609)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to analyze the HRVOC concentrations in the ARU flare (EPN: QE3050B) flare header gas. (B.19.g.1)

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02223, General Terms and Conditions

Description: Failure to include two compressors in the MAERT as emission points. (B19.g.(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02223, Special Condition 3.A.(i)

Description: Failure to prevent the exceedance of the opacity limit for the MAPD decoking process. (B19.g.(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02223, Special Condition 13.A.  
PERMIT Permit 18978/PSD-TX-752M3, SC 1  
PERMIT Permit 18978/PSD-TX-752M3, SC 3.B.

Description: Failure to prevent the exceedance of permitted allowables for Furnaces 1, 4, 5, 7, 8, and 9. (Category B19.g.(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02223, SC 13.A.  
PERMIT Permit 18978/PSD-TX-752M3, SC 1  
PERMIT Permit 18978/PSD-TX-752M3, SC 2.B.  
PERMIT Permit 18978/PSD-TX-752M3, SC 3.B.

Description: Failure to prevent the exceedance of permitted allowables for Boilers A and B. (B19.g.(1))

Date: 04/04/2007 (542370)

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: PA Permit #4477, Special Condition #1

Description: Failure to prevent unauthorized emissions of ethylene, particulate matter, and vinyl acetate/

Date: 04/05/2007 (542368)

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: PA TCEQ Permit #4477, Special Condition #1

Description: Failure to prevent the unauthorized emission of ethylene.

F. Environmental audits.

Notice of Intent Date: \*-10/08/2001 (32843) \*older than 5 years, NOA does not count but DOV does

Disclosure Date: 7/1/2002 12:00:00AM

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D  
40 CFR Part 60, Subpart VV  
40 CFR Part 61, Subpart V

Rqmt Prov: PERMIT SC7, SC8

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V  
40 CFR Part 60, Subpart VV  
40 CFR Part 61, Subpart V

Rqmt Prov: PERMIT SC7

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

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

Notice of Intent Date: 12/05/2003 (263141)  
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  
RN100210319

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-0519-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 plant at 1515 Miller Cut Off Road in La Porte, Harris County, Texas (the “Plant”).



2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on January 5, 2007, TCEQ staff documented that Equistar failed to prevent the release of 1,812.99 pounds ("lbs") of volatile organic compounds ("VOC"), including 996.21 lbs of Highly-Reactive VOC ("HRVOC"), and 62.45 lbs of hydrogen from the Decoking Drum to the atmosphere during an emissions event which occurred on November 8 through 10, 2006 and lasted 43 hours and 50 minutes. Specifically, Equistar failed to prevent the accumulation of coke fines in the Furnace 9 discharge line isolation valve ("DLIV") which prevented proper seating of the valve resulting in the release of the emissions from the Decoking Drum which is not authorized to release VOC emissions. Since these emissions could have been foreseen and avoided by good maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. During a record review on January 24, 2007, TCEQ staff documented that Equistar failed to prevent the release of 3,029 lbs of VOC including, 1,840 lbs of HRVOC, 3,528 lbs of carbon monoxide ("CO"), and 678 lbs of nitrogen oxides ("NO<sub>x</sub>") from the Elevated Flare to the atmosphere during an emissions event which occurred on November 21, 2006 and lasted 14 hours and 30 minutes. Specifically, Equistar failed to prevent the steam control valve (FV31418) to the DeEthanizer reboiler from failing in the closed position resulting in the release which exceeded the authorized emission limits by 2,376.50 lbs for VOC and 1,005 lbs for CO. Since these emissions could have been foreseen and avoided by good maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
5. During a record review on March 16, 2007, TCEQ staff documented that Equistar failed to prevent the release of 1,584 lbs of VOC, including 1,258 lbs of HRVOC, and 126 lbs of particulate matter ("PM") from the AB3 Reactor Vents to the atmosphere during an emissions event which occurred on January 26, 2007 and lasted 3 hours and 24 minutes. Specifically, Equistar failed to maintain the heat actuated spring loaded mechanism to the AMOT high temperature shutdown system in good working order thus resulted in the shutdown of the secondary compressor. As part of the safety interlock system, the reactor vents opened to the atmosphere. No emissions are authorized from the AB3 Reactor Vents. Since these emissions could have been avoided by better operation and maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. During a record review on March 9, 2007, TCEQ staff documented that Equistar failed to prevent the release of 1,440.72 lbs of HRVOC and 181.36 lbs of PM from the AB3 Reactor Vents and 186.96 lbs of HRVOC emissions from a relief valve to the atmosphere during an emissions event which occurred on February 25, 2007 and lasted 2 hours and 34 minutes. Specifically, during the repair of the level switch on the V4219 Flash Gas 1st Stage Knock Out Drum, unbolting the level instruments caused a pressure disturbance on the mercury shutdown switch which resulted in the shutdown of the primary and secondary compressors and the relief valve RV V4214RV1 to lift. As part of the safety interlock system, the reactor auto-depressed to the atmosphere. Since these emissions could have been avoided by better maintenance practices, Equistar failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.



7. Equistar received notices of the violations on February 21, March 21, April 9, and April 16, 2007.
8. The Executive Director recognizes that Equistar has implemented the following corrective measures at the Plant:
  - a. On February 27, 2007, replaced the steam control valve (FV31418);
  - b. On April 15, 2007, implemented a preventative maintenance program for the heat actuated spring loaded mechanism to the AMOT to better maintain equipment reliability; and
  - c. By May 8, 2007, replaced the Furnace 9 DLIV.

## 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, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, Special Condition ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, Equistar failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, Equistar failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4477, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, Equistar failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 4477, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. 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.
7. An administrative penalty in the amount of Forty Thousand Dollars (\$40,000) 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 Twenty Thousand Dollars (\$20,000) of the administrative penalty and Twenty Thousand Dollars (\$20,000) shall be conditionally offset by Equistar's completion of a Supplemental Environmental Project.



### III. ORDERING PROVISIONS

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

1. Equistar is assessed an administrative penalty in the amount of Forty Thousand Dollars (\$40,000) as set forth in Section II, Paragraph 7 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. 2007-0519-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 Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 7, Twenty Thousand Dollars (\$20,000) 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. Equistar shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, visually identify in the field level switches similar to the one involved in the February 25, 2007 emissions event and train individuals to use caution when working near them; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a.

The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are



significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.



9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 10/27/2007

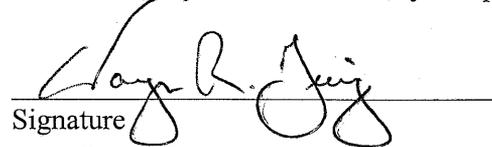
I, the undersigned, have read and understand the attached Agreed Order in the matter of Equistar Chemicals, LP. I am authorized to agree to the attached Agreed Order on behalf of Equistar Chemicals, LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting 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 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.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 7/26/07

Wayne R. Gierger for Marcus W. Gaddy  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Equistar Chemicals, LP

Acting 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: 2007-0519-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Equistar Chemicals, LP</b>
<b>Payable Penalty Amount:</b>	<b>Forty Thousand Dollars (\$40,000)</b>
<b>SEP Amount:</b>	<b>Twenty Thousand Dollars (\$20,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 Harris 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.



Equistar Chemicals, LP  
Agreed Order – Attachment A

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:



Equistar Chemicals, LP  
Agreed Order – Attachment A

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.

