

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1775-MLM-E **TCEQ ID:** RN100217389 and RN104340013 **CASE NO.:** 31269

RESPONDENT NAME: Huntsman Petrochemical Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" 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>SITE WHERE VIOLATION(S) OCCURRED: Huntsman Petrochemical A&O Plant, 4241 Savannah Avenue, Port Arthur, Jefferson County and C4 Plant, 2102 Spur 136, Port Neches, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical manufacturing plant and public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received April 29, 2006, concerning an explosion and fire that occurred in the propylene Refrigeration Unit at the plant. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Elizabeth McDaniel, EHS Vice President, Americas, Huntsman Petrochemical Corporation, 8600 Gosling Road, The Woodlands, Texas 77381 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: April 29, 2006</p> <p>Date of Investigation Relating to this Case: Record Review for PWS, April 1, 2006 and Investigation for AIR, April 29, 2006</p> <p>Date of NOV/NOE Relating to this Case: May 2 and December 21, 2005; January 25, March 22, and April 28, 2006 (NOVs); July 24, and October 3, 2006 (NOEs)</p> <p>Background Facts: This was a complaint investigation and a record review.</p> <p>AIR</p> <p>1) Failed to maintain an emission rate below the allowable emission limit. The Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), Air Flexible Permit No. 16989/PSD-TX-794, Special Condition ("SC") 1, Federal Operating Permit ("FOP") O-01317, General Terms and Conditions and Special Condition 16 and TEX. HEALTH & SAFETY CODE § 382.085(b).</p> <p>2) Failed to prevent unauthorized emissions and maintain an emission rate below the authorized emission limit. The Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7) and 122.143(4), Air Flexible Permit No. 16989/PSD-TX-794, SC 1, FOP O-01317, General Terms and Conditions and Special Condition 16 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>WATER</p> <p>Failed to perform routine bacteriological monitoring of the public water supply and failed to provide public notice of the failure to perform routine bacteriological monitoring [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i), 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p>	<p>Total Assessed: \$98,263</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$49,131</p> <p>Total Paid to General Revenue: \$49,132</p> <p>RN100217389 Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>RN104340013 Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Human health has been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent sold the Facility on July 31, 2006 and the Plant on November 5, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional IDs.: JE0135Q, 16989

Attachment A
Docket Number: 2006-1775-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Huntsman Petrochemical Corporation
Payable Penalty Amount:	Ninety-Eight Thousand Two Hundred Sixty-Three Dollars (\$98,263)
SEP Amount:	Forty-Nine Thousand One Hundred Thirty-One Dollars (\$49,131)
Type of SEP:	Pre-approved
Third-Party Recipient:	South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes’ energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	18-Sep-2006	Screening	25-Sep-2006	EPA Due	24-Mar-2007
	PCW	15-Nov-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Huntsman Petrochemical Corporation
Reg. Ent. Ref. No.	RN104340013
Facility/Site Region	10-Beaumont <
Major/Minor Source	Minor Source <

CASE INFORMATION			
Enf./Case ID No.	31269	No. of Violations	1
Docket No.	2006-1775-MLM-E	Order Type	Findings <
Media Program(s)	Public Water Supply <	Enf. Coordinator	Daniel Siringi
Multi-Media	Air Quality	EC's Team	Enforcement Team 6 <
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

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

Culpability < Enhancement **Subtotal 4**

Notes

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	<input checked="" type="checkbox"/>	(mark with a small x)

Notes

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$263"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$250"/>	

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

PAYABLE PENALTY

Screening Date 25-Sep-2006 **Docket No.** 2006-1775-MLM-E **PCW**
Respondent Huntsman Petrochemical Corporation *Policy Revision 2 (September 2002)*
Case ID No. 31269 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN104340013
Media [Statute] Public Water Supply
Enf. Coordinator Daniel Siringi

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent has five prior Notices of Violation (NOVs) for the same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 25-Sep-2006

Docket No. 2006-1775-MLM-E

PCW

Respondent Huntsman Petrochemical Corporation

Policy Revision 2 (September 2002)

Case ID No. 31269

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104340013

Media [Statute] Public Water Supply

Enf. Coordinator Daniel Siringi

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to perform routine bacteriological monitoring of the public water supply and failure to provide public notification could result in the public being exposed to significant amounts of bacteriological contamination which would exceed levels that are protective of human health."/>				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input checked="" type="checkbox"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Huntsman Petrochemical Corporation
Case ID No. 31269
Reg. Ent. Reference No. RN104340013
Media [Statute] Public Water Supply
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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

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]	\$250	01-Mar-2005	01-Mar-2006	1.0	\$13	\$250	\$263
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct monthly bacteriological sampling, to provide sampling results to the Commission, and provide public notification, calculated for the months when violations occurred.

Approx. Cost of Compliance \$250

TOTAL \$263

Compliance History

Customer/Respondent/Owner-Operator:	CN600632848	Huntsman Petrochemical Corporation	Classification: AVERAGE	Rating: 5.65
Regulated Entity:	RN104340013	C4 PLANT	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1230096
Location:	2102 SPUR 136, PORT NECHES, TX			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	September 20, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 20, 2001 to September 20, 2006			

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

Name: Yuliya Dunaway Phone: (210) 403-4077

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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|--|
| 1 | 04/28/2006 | (489497) | |
| 2 | 05/02/2005 | (488599) | |
| 3 | 03/22/2006 | (489494) | |
| 4 | 12/21/2005 | (489471) | |
| 5 | 09/13/2006 | (490159) | |
| 6 | 01/25/2006 | (489483) | |
| 7 | 12/21/2004 | (340957) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|------------------|--|--------------------------|
| Date: 03/22/2006 | (489494) | |
| Self Report? NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) | |
| Description: | Failure to collect any routine monitoring samples in 02/2006. | |
| Self Report? NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B) | |
| Description: | Failure to post a PN for not collecting any routine monitoring samples in 02/2006. | |
| Date: 05/02/2005 | (488599) | |
| Self Report? NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) | |
| Description: | Failure to collect any routine monitoring samples in 03/2005. | |
| Date: 04/28/2006 | (489497) | |
| Self Report? NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i) | |
| Description: | Failure to collect any routine monitoring samples in 03/2006. | |

Date: 12/21/2005 (489471)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring samples in 11/2005.

Date: 01/25/2006 (489483)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: Failure to collect any routine monitoring samples in 12/2005.

F. Environmental audits.

N/A

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

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision April 25, 2006

DATES	Assigned	02-Oct-2006	Screening	04-Oct-2006	EPA Due	25-Jun-2007
	PCW	08-Jan-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Huntsman Petrochemical Corporation
Reg. Ent. Ref. No.	RN100217389
Facility/Site Region	10-Beaumont <input type="text" value="<"/>
Major/Minor Source	Major Source <input type="text" value="<"/>

CASE INFORMATION			
Enf./Case ID No.	31269	No. of Violations	2
Docket No.	2006-1775-MLM-E	Order Type	Findings <input type="text" value="<"/>
Media Program(s)	Air Quality <input type="text" value="<"/>	Enf. Coordinator	Daniel Siringi
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 6 <input type="text" value="<"/>
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 168% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

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

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

Notes

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

<small>Total EB Amounts</small>	<input type="text" value="\$267"/>	<small>*Capped at the Total EB \$ Amount</small>
<small>Approx. Cost of Compliance</small>	<input type="text" value="\$2,500"/>	

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

PAYABLE PENALTY

Screening Date 04-Oct-2006 **Docket No.** 2006-1775-MLM-E **PCW**
Respondent Huntsman Petrochemical Corporation *Policy Revision 2 (September 2002)*
Case ID No. 31269 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100217389
Media [Statute] Air Quality
Enf. Coordinator Daniel Siringi

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	3	15%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	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	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government.	1	35%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 168%

>> **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

Enhancement for three (3) NOVs with same or similar violation, three (3) NOVs without same or similar violations including one (1) self reported NOV, two (2) 1660 Orders, three (3) Findings Orders and one (1) court order in the past five years at this plant. Reduction due to three notices of intent to audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 168%

Screening Date 04-Oct-2006	Docket No. 2006-1775-MLM-E	PCW
Respondent Huntsman Petrochemical Corporation	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 31269	<i>PCW Revision April 25, 2006</i>	
Reg. Ent. Reference No. RN100217389		
Media [Statute] Air Quality		
Enf. Coordinator Daniel Siringi		
Violation Number <input type="text" value="1"/>		
Primary Rule Cite(s)	Air Flexible Permit No. 16989/PSD-TX-794, Special Condition 1	
Secondary Rule Cite(s)	Federal Operating Permit (FOP) O-01317, General Terms and Conditions and Special Condition 16, 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failure to maintain an emission rate below the allowable emission limit. Unauthorized emissions of 429.34 pounds ("lbs") Volatile Organic Compounds ("VOCs"), 276.29 lbs Carbon Monoxide ("CO") and 35.71 lbs Nitrogen Oxide ("NOx") were released from the Light Olefins Unit ("LOU") Flare, Emissions Point Number ("EPN") LOUFLARE, into the atmosphere during a 28 minute emissions event that occurred on April 28, 2006 (Incident No. 75104). Since the emissions event could have been avoided, Huntsman failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.	

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent <input style="width: 50px;" type="text" value="25%"/>
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent <input style="width: 50px;" type="text"/>

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

	daily	
	monthly	
<i>mark only one</i>	quarterly	
<i>use a small x</i>	semiannual	
	annual	
	single event	X

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Huntsman Petrochemical Corporation
Case ID No. 31269
Reg. Ent. Reference No. RN100217389
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,500	28-Apr-2006	05-Nov-2007	1.5	\$13	\$254	\$267
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 Estimated cost to develop and implement procedures designed to prevent hydrate/ice from forming in the Cold Train of the Propylene Refrigeration Unit. Date required is the date of occurrence and final date is the date Huntsman sold the Plant.

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

TOTAL

Screening Date 04-Oct-2006	Docket No. 2006-1775-MLM-E	PCW
Respondent Huntsman Petrochemical Corporation		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 31269		<i>PCW Revision April 25, 2006</i>
Reg. Ent. Reference No. RN100217389		
Media [Statute] Air Quality		
Enf. Coordinator Daniel Siringi		
Violation Number <input type="text" value="2"/>		
Primary Rule Cite(s)	Air Flexible Permit No. 16989/PSD-TX-794, Special Condition 1	
Secondary Rule Cite(s)	FOP O-01317, General Terms and Conditions and Special Condition 16, 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7) and 122.143(4) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failure to prevent unauthorized emissions. Specifically, beginning on April 29, 2006, 132,378.89 lbs of VOC, 15,886.56 lbs of CO and 7,955.56 lbs of NOx were released from the Propylene Refrigeration System (PRS) within the LOU Unit. No emissions were authorized from the PRS in the permit. Additionally, for 3 hours on April 29, 2006 unauthorized emissions of 1797 lbs of VOC, 744 lbs of CO and 55.5 lbs of NOx were released from the LOU Flare during the unplanned shutdown activity during the same incident. Since the emissions event could have been avoided, Huntsman failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code §101.222.	

Base Penalty

>> **Environmental, Property and Human Health Matrix**

Harm				
Release	Major	Moderate	Minor	
Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width:60px" type="text" value="100%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent <input style="width:60px" type="text"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation. A shelter-in-place was provided during the first day of this event which commenced with an explosion. The fire was controlled after 4 days.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	<input checked="" type="checkbox"/>	

Violation Base Penalty

Nine daily events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Huntsman Petrochemical Corporation
Case ID No. 31269
Reg. Ent. Reference No. RN100217389
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in that for No. 1.

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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600632848 Huntsman Petrochemical Corporation	Classification: AVERAGE	Rating: 5.65
Regulated Entity:	RN100217389 HUNTSMAN PETROCHEMICAL - A&O PLANT	Classification: AVERAGE	Site Rating: 29.87

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0135Q
	AIR OPERATING PERMITS	PERMIT	1317
	WASTEWATER	PERMIT	WQ0003057000
	WASTEWATER	PERMIT	TPDES0105287
	WASTEWATER	PERMIT	TX0105287
	AIR NEW SOURCE PERMITS	PERMIT	3305
	AIR NEW SOURCE PERMITS	PERMIT	3306
	AIR NEW SOURCE PERMITS	PERMIT	3525
	AIR NEW SOURCE PERMITS	PERMIT	4947
	AIR NEW SOURCE PERMITS	PERMIT	16989
	AIR NEW SOURCE PERMITS	PERMIT	42278
	AIR NEW SOURCE PERMITS	PERMIT	48586
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0135Q
	AIR NEW SOURCE PERMITS	PERMIT	52120
	AIR NEW SOURCE PERMITS	REGISTRATION	54780
	AIR NEW SOURCE PERMITS	REGISTRATION	54845
	AIR NEW SOURCE PERMITS	REGISTRATION	55149
	AIR NEW SOURCE PERMITS	REGISTRATION	55150
	AIR NEW SOURCE PERMITS	REGISTRATION	55148
	AIR NEW SOURCE PERMITS	REGISTRATION	75753
	AIR NEW SOURCE PERMITS	REGISTRATION	76098
	AIR NEW SOURCE PERMITS	REGISTRATION	75685
	AIR NEW SOURCE PERMITS	REGISTRATION	76342
	AIR NEW SOURCE PERMITS	REGISTRATION	75824
	AIR NEW SOURCE PERMITS	AFS NUM	0082
	AIR NEW SOURCE PERMITS	REGISTRATION	56739
	AIR NEW SOURCE PERMITS	PERMIT	56282
	AIR NEW SOURCE PERMITS	PERMIT	70191
	AIR NEW SOURCE PERMITS	REGISTRATION	70231
	AIR NEW SOURCE PERMITS	REGISTRATION	70256
	AIR NEW SOURCE PERMITS	REGISTRATION	70435
	AIR NEW SOURCE PERMITS	REGISTRATION	70504
	AIR NEW SOURCE PERMITS	REGISTRATION	70780
	AIR NEW SOURCE PERMITS	REGISTRATION	71465
	AIR NEW SOURCE PERMITS	REGISTRATION	71484
	AIR NEW SOURCE PERMITS	REGISTRATION	71742
	AIR NEW SOURCE PERMITS	REGISTRATION	72235
	AIR NEW SOURCE PERMITS	PERMIT	56574
	AIR NEW SOURCE PERMITS	PERMIT	52327
	AIR NEW SOURCE PERMITS	PERMIT	54846
	AIR NEW SOURCE PERMITS	REGISTRATION	72282
	AIR NEW SOURCE PERMITS	REGISTRATION	72541
	AIR NEW SOURCE PERMITS	REGISTRATION	73136
	AIR NEW SOURCE PERMITS	REGISTRATION	73618
	AIR NEW SOURCE PERMITS	REGISTRATION	73892
	AIR NEW SOURCE PERMITS	REGISTRATION	73988
	AIR NEW SOURCE PERMITS	REGISTRATION	74299
	AIR NEW SOURCE PERMITS	REGISTRATION	74779
	AIR NEW SOURCE PERMITS	REGISTRATION	74850
	AIR NEW SOURCE PERMITS	REGISTRATION	75061
	AIR NEW SOURCE PERMITS	REGISTRATION	75259
	AIR NEW SOURCE PERMITS	REGISTRATION	75258
	AIR NEW SOURCE PERMITS	REGISTRATION	76405
	AIR NEW SOURCE PERMITS	REGISTRATION	76648
	AIR NEW SOURCE PERMITS	PERMIT	79802

Location:	4241 SAVANNAH AVE, PORT ARTHUR, TX, 77640	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	November 09, 2006		
Agency Decision Requiring Compliance History:	Enforcement		

Compliance Period:

November 08, 2001 to November 08, 2006

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

Name: Daniel Siringi

Phone: (409) 899-8799

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 07/15/2005

ADMINORDER 2004-0518-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to satisfy the initial and final reporting requirements for a reportable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for the light olefins Unit (LOU) Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for the boiler feedwater pumps LOU flare.

Effective Date: 06/15/2006

ADMINORDER 2005-1774-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the LOU Flare (EPN - LOUFLARE).

Effective Date: 06/12/2003

ADMINORDER 2001-0638-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 20 PERMIT

Description: Released approx 55.88 lbs of benzene, 1.3 butadiene, 5991.8 lbs of ethylene, and 437.6 lbs of NOx to the atmosphere from the LOU flare on 1/3/01 and failed to limit visible emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 1 PERMIT
SC 20 PERMIT

Description: Released 157 lbs of propylene, 23 lbs of butylene, 26 lbs of benzene, 22 lbs of 1,3 butadiene, 4935 lbs of ethylene, 606 lbs NOx and 4378 lbs of CO from the LOU Flare on 7/25/01.

Effective Date: 08/07/2003 ADMINORDER 2002-1431-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
SC10 PERMIT

Description: Failure to maintain an emission rate below the allowable limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all required information when notifying the agency of a reportable emissions event caused by the boiler feed water pump shutdown which occurred on 10/7/02.

Effective Date: 05/13/2003 COURTORDER

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)

Description: Water separatr/record keeping

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(C)

Description: Vent Gas Cntrl/recordkeeping.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Neshap Standards

Classification: Moderate

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

Description: Special conditions.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)(C)

Description: Vent Gas Cntrl/Cntrl req.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Neshap Standards - Special conditions

Classification: Moderate

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

Description: Neshap Standards - Special conditions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Neshap Standards - Special conditions

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.7(a)

Description: Failure to maintain carbon canisters.

Classification: Moderate

Citation: 40 CFR Chapter 302, SubChapter J, PT 302.302.6(a)

Description: Failure to notify national response center (NCR)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(a)

Description: VOC storage/control req - special conditions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 116, SubChapter B 116.115(a)

Description: NESHAP Standards - Special conditions

Classification: Moderate

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

Description: VOC storage/control req.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.120
Description: NESHAP Standards
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
Description: VOC storage/control req
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)[G]
Description: Permit amendments
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct - permit amendments
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)[G]
Description: Permit amendments
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Special conditions
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special conditions
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: NESHAP Standards - Special Conditions
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Special Conditions
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Neshap Standards - Special Conditions
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Permit to construct
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: Notification - Major upsets
 Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Unauth Emissions civil
 Effective Date: 10/02/2006 ADMINORDER 2006-0512-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 16989 and PSD-TX-794 / SC 27 PERMIT
 16989 and PSD-TX-794 / SC1 PERMIT
 Description: Failure to maintain an emission rate below the allowable emission limit.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to prevent a nuisance.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: 16989/PSD-TX-794 PERMIT
 O-01317 OP
 Description: Failure to comply with emissions limitations.

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	12/12/2002	(16979)
2	10/15/2002	(12015)
3	10/15/2002	(11345)
4	08/02/2006	(480166)
5	09/28/2006	(466186)
6	08/02/2005	(394561)
7	04/21/2006	(505237)
8	07/24/2002	(4681)
9	12/02/2005	(405596)
10	04/24/2006	(505238)
11	11/17/2003	(255097)
12	05/23/2006	(505239)
13	08/31/2006	(487243)
14	01/26/2005	(344557)
15	06/22/2006	(505240)
16	02/18/2004	(257798)
17	10/16/2003	(249969)
18	06/15/2005	(376683)
19	10/15/2002	(11440)
20	10/15/2002	(11999)
21	05/12/2004	(257799)
22	12/09/2005	(435983)
23	09/25/2002	(11296)
24	07/23/2004	(284067)
25	12/15/2005	(435695)
26	07/13/2004	(257800)
27	07/24/2002	(4685)
28	07/15/2005	(394390)
29	11/23/2004	(337200)
30	12/18/2002	(18767)
31	12/13/2002	(16895)
32	07/22/2005	(446662)

33	02/24/2004	(323047)
34	08/29/2003	(145670)
35	08/23/2005	(446663)
36	03/25/2004	(323048)
37	09/20/2005	(446664)
38	10/26/2006	(517315)
39	04/26/2004	(323049)
40	12/30/2002	(15509)
41	07/07/2004	(278431)
42	05/27/2003	(323050)
43	06/24/2003	(323051)
44	07/07/2004	(278433)
45	07/24/2003	(323052)
46	07/12/2004	(278543)
47	08/25/2003	(323053)
48	07/07/2004	(278544)
49	07/07/2004	(278545)
50	09/25/2003	(323054)
51	10/24/2003	(323055)
52	04/26/2005	(426339)
53	11/24/2003	(323056)
54	07/26/2005	(400177)
55	01/24/2003	(224074)
56	05/24/2005	(426340)
57	12/29/2003	(323057)
58	01/22/2002	(224073)
59	06/16/2005	(426341)
60	07/07/2004	(278434)
61	11/15/2005	(418534)
62	01/27/2004	(323058)
63	08/14/2005	(379713)
64	02/23/2005	(388761)
65	12/27/2002	(224071)
66	01/22/2003	(21307)
67	03/22/2005	(388762)
68	12/27/2001	(224070)
69	11/29/2004	(388763)
70	04/03/2003	(27192)
71	06/26/2003	(35650)
72	12/27/2004	(388764)
73	11/22/2002	(224068)
74	10/22/2004	(292535)
75	05/24/2004	(364434)
76	11/26/2001	(224067)
77	01/25/2005	(388765)
78	06/23/2004	(364435)
79	10/24/2002	(224066)
80	08/19/2005	(379633)
81	07/22/2004	(364436)
82	03/30/2004	(264152)
83	08/24/2004	(364437)
84	09/30/2004	(364438)
85	09/25/2002	(224063)
86	12/11/2003	(253069)
87	10/25/2004	(364439)
88	10/15/2002	(12032)
89	10/15/2002	(11929)
90	08/23/2002	(224061)
91	02/27/2006	(479515)
92	07/26/2002	(224059)
93	10/13/2004	(291185)
94	10/26/2005	(479516)
95	10/15/2002	(12429)
96	11/22/2005	(479517)
97	06/24/2002	(224057)
98	12/27/2005	(479518)
99	05/22/2002	(224055)
100	01/27/2006	(479519)

101 04/25/2003 (224053)
 102 06/13/2003 (37851)
 103 04/26/2006 (457779)
 104 04/24/2002 (224052)
 105 03/24/2003 (224050)
 106 03/25/2002 (224049)
 107 02/24/2003 (224047)
 108 02/22/2002 (224046)
 109 03/05/2004 (258707)
 110 05/01/2006 (457784)
 111 01/31/2005 (347316)
 112 04/27/2004 (267489)
 113 12/22/2003 (257174)
 114 02/18/2004 (257555)
 115 08/26/2002 (9337)
 116 06/17/2003 (113070)
 117 04/28/2005 (337253)
 118 07/26/2005 (401118)
 119 05/01/2006 (457781)
 120 10/28/2002 (11380)
 121 08/12/2003 (145852)
 122 08/29/2003 (150916)
 123 12/21/2004 (343764)
 124 04/29/2005 (371588)

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

Date: 04/30/2006 (505239)
 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: 02/18/2004 (257798)
 Self Report? NO
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Sampling the AU Cooling Tower on vertical piping instead of top of horizontal piping.
 Date: 08/19/2005 (379633)
 Self Report? NO
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to perform daily CEMS calibrations.
 Self Report? NO
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to conduct monitoring for benzene in the cooling water.
 Self Report? NO
 Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.110
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)

Description: 5C THC Chapter 382, SubChapter A 382.085(b)
Failure to use an approved method for quarterly sampling of the cooling water.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
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 QQQ 60.703(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to install a flow indicator at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.
away from the control device to the atmosphere.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(1)[G]
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 60.482-8(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to repair a component within 15 days of the discovery of the leak.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
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 Kb 60.113b(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to notify the administrator 30 days in advance of any gap measurements required by paragraph 40 CFR 60.113b(b)(1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
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 A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being combusted in the flare.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
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 QQ 60.703(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA

PERMIT IA
 Description: Failure to conduct monthly visual inspection of bypass line valves.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to switch waste gas to an alternate set of carbon canisters within three hours of breakthrough.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to record required LDAR monitoring data.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to conduct daily monitoring of the carbon absorption system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to monitor a valve monthly after a leak is detected.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)[G]
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 Description: Failure to report the correct information in the Notification of Compliance Status (NCS).
 Failure to report the correct information in the Notification of Compliance Status (NCS).
 Date: 07/12/2004 (278543)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to provide 30-day inspection notice for Tank 1596 prior to the seal gap measurement inspection. B3

Date: 07/12/2006 (464981)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: FAILURE TO PREVENT NUISANCE CONDITIONS.

Date: 08/03/2006 (480166)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being
 combusted in the flare.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to perform daily CEMS calibrations.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 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 RRR 60.703(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to conduct monthly visual inspection of bypass line valves.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 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 RRR 60.703(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to install a flow indicator at the entrance to any bypass line that could
 divert the vent stream away from the control device to the atmosphere.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA
PERMIT IA
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA
PERMIT IA
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 IA
PERMIT IA
Description: Failure to control the analyzer vent waste gas from Analyzer AR 3319 by a flare or by an Atmospheric Reference Valve (ARV).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA
PERMIT IA
Description: Failure to continuously monitor CO from the LOUBOILER6.

F. Environmental audits.
Notice of Intent Date: 11/01/2002 (33111)
No DOV Associated

Notice of Intent Date: 07/22/2004 (334189)
No DOV Associated

Notice of Intent Date: 06/25/2004 (348010)

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
HUNTSMAN PETROCHEMICAL
CORPORATION
RN100217389 AND RN104340013**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2006-1775-MLM-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 Huntsman Petrochemical Corporation ("Huntsman") under the authority of TEX. HEALTH & SAFETY CODE chs. 341 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Huntsman presented this agreement to the Commission.

Huntsman 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, Huntsman 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 Huntsman.

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

I. FINDINGS OF FACT

1. Huntsman formerly owned and operated a petrochemical manufacturing plant located at 4241 Savannah Avenue, Port Arthur, Jefferson County, Texas (the "Plant"). Huntsman formerly owned and operated a public water supply at 2102 Spur 136, Port Neches, Jefferson County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During an investigation which began on April 29, 2006, TCEQ staff documented the release of unauthorized emissions of 429.34 pounds ("lbs") Volatile Organic Compounds ("VOCs"), 276.29 lbs Carbon Monoxide ("CO") and 35.71 lbs Nitrogen Oxide ("NOx") from the Light Olefins Unit ("LOU") Flare, Emissions Point Number ("EPN") LOUFLARE, into the atmosphere during an avoidable 28- minute emissions event that occurred on April 28, 2006 (Incident No. 75104).
4. During an investigation which began on April 29, 2006, TCEQ staff documented the release of unauthorized emissions during an avoidable emissions event. Specifically, from April 29, 2006 to June 11, 2006, 132,378.89 lbs of VOC, 15,886.56 lbs of CO and 7,955.56 lbs of NOx were released from the Propylene Refrigeration System ("PRS") within the LOU Unit over a period of 1,030 hours ("hrs") and 35 minutes. No emissions were authorized from PRS in the permit. Additionally, for 3 hrs on April 29, 2006 unauthorized emissions of 599 lbs of VOC, 248 lbs of CO and 18.5 lbs of NOx were released from the LOU Flare during the unplanned shutdown activity during the same incident.
5. During a record review on April 1, 2006, TCEQ staff documented that Huntsman did not perform routine bacteriological sampling during the months of March, November and December 2005, February and March 2006 and did not provide public notification of the failure to conduct monthly bacteriological sampling during the month of February 2006.
6. Huntsman received notice of the violations dated May 2, 2005, December 21, 2005, January 25, 2006, March 22, 2006, April 28, 2006 and July 24, 2006 and on October 3, 2006.
7. The Executive Director recognizes that Huntsman sold the Facility on July 31, 2006 and the Plant on November 5, 2007.

II. CONCLUSIONS OF LAW

1. Huntsman is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE chs.341 and 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Huntsman failed to maintain an emission rate below the allowable emission limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), Air Flexible Permit No. 16989/PSD-TX-794, Special Condition ("SC") 1, Federal Operating Permit ("FOP") O-01317, General Terms and Conditions and Special Condition 16 and TEX. HEALTH & SAFETY CODE § 382.085(b). Huntsman failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Finding of Fact No. 4, Huntsman failed to prevent unauthorized emissions and maintain an emission rate below the authorized emission limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7) and 122.143(4), Air Flexible Permit No. 16989/PSD-TX-794, SC 1, FOP O-01317, General Terms and Conditions and Special Condition 16 and TEX. HEALTH & SAFETY CODE § 382.085(b). Huntsman failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

4. As evidenced by Finding of Fact No. 5, Huntsman failed to perform routine bacteriological monitoring of the public water supply and failed to provide public notice of the failure to perform routine bacteriological monitoring, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i), 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d).
5. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Huntsman 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.
6. An administrative penalty in the amount of Ninety-Eight Thousand Two Hundred Sixty-Three Dollars (\$98,263) 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 and TEX. HEALTH & SAFETY CODE § 341.049(b). Huntsman has paid Forty-Nine Thousand One Hundred Thirty-Two Dollars (\$49,132) of the administrative penalty. Forty-Nine Thousand One Hundred Thirty-One Dollars (\$49,131) shall be conditionally offset by Huntsman's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. Huntsman is assessed an administrative penalty in the amount of Ninety-Eight Thousand Two Hundred Sixty-Three Dollars (\$98,263), as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Huntsman'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: Huntsman Petrochemical Corporation, Docket No. 2006-1775-MLM-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. Huntsman shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, Forty-Nine Thousand One Hundred Thirty-One Dollars (\$49,131) of the assessed administrative penalty shall be offset with the condition that Huntsman implement the SEP defined in Attachment A, incorporated herein by reference. Huntsman's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement

3. The provisions of this Agreed Order shall apply to and be binding upon Huntsman.
4. If Huntsman 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, Huntsman's failure to comply is not a violation of this Agreed Order. Huntsman has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Huntsman shall notify the Executive Director within seven days after Huntsman becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Huntsman shall be made in writing to the Executive Director. Extensions are not effective until Huntsman receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Huntsman if the Executive Director determines that Huntsman has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against Huntsman in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bradley
For the Executive Director

3/11/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Huntsman Petrochemical Corporation. I am authorized to agree to the attached Agreed Order on behalf of Huntsman Petrochemical Corporation, 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, Huntsman Petrochemical Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Elizabeth McDaniel
Signature

1/11/08
Date

Elizabeth McDaniel
Name (printed or typed)
Authorized Representative
Huntsman Petrochemical Corporation

EHS Vice President, Americas
Title

Attachment A

Docket Number: 2006-1775-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Huntsman Petrochemical Corporation
Payable Penalty Amount: Ninety-Eight Thousand Two Hundred Sixty-Three Dollars (\$98,263)
SEP Amount: Forty-Nine Thousand One Hundred Thirty-One Dollars (\$49,131)
Type of SEP: Pre-approved
Third-Party Recipient: South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

