EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1715-AIR-E **TCEQ ID:** RN100210319 **CASE NO.:** 34827

RESPONDENT NAME: Equistar Chemicals, LP

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

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

TYPE OF OPERATION: Petrochemical manufacturing plant

SMALL BUSINESS: ___ **Yes** X **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1333-AIR-E and 2007-0938-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 28, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Philip Nangle, Senior Environmental Engineer, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571
Mr. Marcus W. Gaddy, Plant Manager, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** August 28, 2007 **Date of NOV/NOE Relating to this Case:** October 9, 2007 (NOE) **Background Facts:** This was a routine record review. **AIR** 1) Failed to prevent unauthorized emissions. Specifically, during Incident No. 96455 on August 21, 2007 the following unauthorized emissions were released from the Furnace 9 Transfer Line Isolation Valve and the Decoke Header over a period of nine hours and 12 minutes: 177 pounds ("lbs") of ethylene, 38 lbs of propylene, 8 lbs of 1,3-butadiene, and 4 lbs of benzene. Since the emissions event was avoidable and not properly reported the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 18978, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to report Incident No. 96455 within 24 hours after discovery. Specifically, the August 21, 2007 emissions event was discovered at 11:50 a.m. but was not reported until August 23, 2007 at 4:27 p.m. [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent unauthorized emissions. Specifically, during Incident No. 95709 on August 10, 2007 the following unauthorized emissions were released from a tank trailer's relief valve over a period of one minute: 65 lbs of ethylene, 33 lbs of benzene, 30 lbs of	**Total Assessed:** $20,431 **Total Deferred:** $4,086 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $8,172 **Total Paid to General Revenue:** $8,173 **Site Compliance History Classification** ___ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. Reviewed the furnace de-coke Standard Operating Procedure ("SOP") with affected process technicians on September 24, 2007; b. Conducted release reporting training on October 30, 2007; and c. Reviewed the trailer loading SOP with affected personnel on September 21, 2007. **Ordering Provisions:** The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

propylene, 24 lbs of propane, and 15 lbs of other volatile organic compounds. Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 18978, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: HG0770G

Attachment A
Docket Number: 2007-1715-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Equistar Chemicals, LP**
Payable Penalty Amount:	**Sixteen Thousand Three Hundred Forty-Five Dollars ($16,345)**
SEP Amount:	**Eight Thousand One Hundred Seventy-Two Dollars ($8,172)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project**
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 Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

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 significant and discernible environmental benefits to the Harris County area by

providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

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:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision September 19, 2007*

DATES					
Assigned	15-Oct-2007				
PCW	17-Dec-2007	Screening	22-Oct-2007	EPA Due	5-Jul-2008

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	34827	No. of Violations	3
Docket No.	2007-1715-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson
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* **$5,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **341%** Enhancement — *Subtotals 2, 3, & 7* **$17,391**

Notes: Penalty enhancement due to 27 Notices of Violations ("NOVs") issued for same or similar violations, 18 NOVs issued for unrelated violations, 22 self-reported effluent discharge violations, four agreed orders with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to four Notices of Intended Audits submitted.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — **10%** Reduction — *Subtotal 5* **$510**

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

Notes: The Respondent completed all corrective actions on October 30, 2007.

Total EB Amounts	$63
Approx. Cost of Compliance	$11,200

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$21,981**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0%** — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$21,981**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$20,431**

DEFERRAL — **20%** Reduction — *Adjustment* **-$4,086**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$16,345**

Screening Date 22-Oct-2007 **Docket No.** 2007-1715-AIR-E **PCW**

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 34827

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	27	135%
	Other written NOVs	40	80%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	4	80%
	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	2	50%
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*)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 341%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 27 Notices of Violations ("NOVs") issued for same or similar violations, 18 NOVs issued for unrelated violations, 22 self-reported effluent discharge violations, four agreed orders with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to four Notices of Intended Audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 341%

Screening Date 22-Oct-2007 **Docket No.** 2007-1715-AIR-E **PCW**

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

Case ID No. 34827 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 18978, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, during Incident No. 96455 on August 21, 2007 the following unauthorized emissions were released from the Furnace 9 Transfer Line Isolation Valve and the Decoke Header over a period of nine hours and 12 minutes: 177 pounds ("lbs") of ethylene, 38 lbs of propylene, 8 lbs of 1,3-butadiene, and 4 lbs of benzene. Since the emissions event was avoidable and not properly reported the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

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 and the environment have been exposed to an insignificant amount of pollutants that did not exceed levels that are protective of human health and environmental receptors as a result of the 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	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $23

Statutory Limit Test

Violation Final Penalty Total $10,775

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 34827
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	21-Aug-2007	24-Sep-2007	0.1	$23	n/a	$23
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 review related operating procedures with all affected personnel. Date required based on the date of the emissions event. Final date based on the date the corrective actions were completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $5,000

TOTAL: $23

Screening Date 22-Oct-2007 **Docket No.** 2007-1715-AIR-E **PCW**

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

Case ID No. 34827 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report Incident No. 96455 within 24 hours after discovery. Specifically, the August 21, 2007 emissions event was discovered at 11:50 a.m. but was not reported until August 23, 2007 at 4:27 p.m.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the reporting requirements were not met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $431

This violation Final Assessed Penalty (adjusted for limits) $431

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 34827
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No 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	$1,200	22-Aug-2007	30-Oct-2007	0.2	$11	n/a	$11
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 conduct release reporting training. Date required based on the date the emissions event was due to be reported. Final date based on the date the corrective actions were completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $1,200

TOTAL: $11

Screening Date 22-Oct-2007 **Docket No.** 2007-1715-AIR-E **PCW**

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

Case ID No. 34827 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s) Air Permit No. 18978, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, during Incident No. 95709 on August 10, 2007 the following unauthorized emissions were released from a tank trailer's relief valve over a period of one minute: 65 lbs of ethylene, 33 lbs of benzene, 30 lbs of propylene, 24 lbs of propane, and 15 lbs of other volatile organic compounds. Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			x
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment have been exposed to an insignificant amount of pollutants that did not exceed levels that are protective of human health and environmental receptors as a result of the 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	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $29

Statutory Limit Test

Violation Final Penalty Total $10,775

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 34827
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$5,000	10-Aug-2007	21-Sep-2007	0.1	$29	n/a	$29
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 review related operating procedures with all affected personnel. Date required based on the date of the emissions event. Final date based on the date the corrective actions were completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $5,000

TOTAL: $29

Compliance History

Customer/Respondent/Owner-Operator:	CN600124705	Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.92
Regulated Entity:	RN100210319	EQUISTAR CHEMICALS LA PORTE COMPLEX	Classification: AVERAGE	Site Rating: 3.85

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0770G
AIR OPERATING PERMITS	PERMIT	1606
AIR OPERATING PERMITS	PERMIT	2223
AIR OPERATING PERMITS	PERMIT	2224
AIR OPERATING PERMITS	PERMIT	2225
AIR OPERATING PERMITS	PERMIT	2226
AIR OPERATING PERMITS	PERMIT	51737
WASTEWATER	PERMIT	WQ0004013000
WASTEWATER	PERMIT	TPDES0119792
WASTEWATER	PERMIT	TX0119792
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012680
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000025809
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	85436
AIR NEW SOURCE PERMITS	PERMIT	19109
AIR NEW SOURCE PERMITS	PERMIT	4477
AIR NEW SOURCE PERMITS	PERMIT	5226
AIR NEW SOURCE PERMITS	PERMIT	5836
AIR NEW SOURCE PERMITS	PERMIT	18978
AIR NEW SOURCE PERMITS	PERMIT	19501
AIR NEW SOURCE PERMITS	PERMIT	20534
AIR NEW SOURCE PERMITS	PERMIT	22043
AIR NEW SOURCE PERMITS	PERMIT	38605
AIR NEW SOURCE PERMITS	PERMIT	40078
AIR NEW SOURCE PERMITS	PERMIT	42576
AIR NEW SOURCE PERMITS	PERMIT	42401
AIR NEW SOURCE PERMITS	PERMIT	43676
AIR NEW SOURCE PERMITS	PERMIT	45099
AIR NEW SOURCE PERMITS	PERMIT	46127
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0770G
AIR NEW SOURCE PERMITS	AFS NUM	4820100055
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752
AIR NEW SOURCE PERMITS	EPA ID	PSDTX818
AIR NEW SOURCE PERMITS	PERMIT	42349
AIR NEW SOURCE PERMITS	REGISTRATION	70535
AIR NEW SOURCE PERMITS	PERMIT	49122
AIR NEW SOURCE PERMITS	PERMIT	53934
AIR NEW SOURCE PERMITS	PERMIT	53387
AIR NEW SOURCE PERMITS	REGISTRATION	74666
AIR NEW SOURCE PERMITS	REGISTRATION	74778
AIR NEW SOURCE PERMITS	REGISTRATION	76465
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M3
AIR NEW SOURCE PERMITS	REGISTRATION	77716
AIR NEW SOURCE PERMITS	REGISTRATION	77957
AIR NEW SOURCE PERMITS	REGISTRATION	78470
AIR NEW SOURCE PERMITS	REGISTRATION	78947
AIR NEW SOURCE PERMITS	REGISTRATION	79239
WATER LICENSING	LICENSE	1012680
STORMWATER	PERMIT	TXR05N516
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50383
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	50383
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	85436
IHW CORRECTIVE ACTION	PERMIT	50383

Location: 1515 MILLER CUT OFF RD, LA PORTE, TX, 77571 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 15, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 15, 2002 to October 15, 2007

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

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 03/31/2003 **ADMINORDER 2002-0863-AIR-E**

Classification: Minor

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Allow unauthorized emissions by failing to re-open a control valve after maintenance, resulting in upset emissions of 13,554 lbs of ethylene, 743 lbs of carbon monoxide, and 144 lbs of nitrogen oxides.

Effective Date: 01/08/2004 **ADMINORDER 2003-0630-AIR-E**

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Effective Date: 04/05/2004 **ADMINORDER 2003-0117-IWD-E**

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT
Description: Failure to comply with permitted effluent limits at Outfall 003.

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT
Description: Failed to report, in writing, effluent violations deviating from permitted limits by more than 40% within five days of becoming aware of the violations.

Effective Date: 12/02/2006 **ADMINORDER 2006-0295-AIR-E**

Classification: Moderate

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

Rqmt Prov: No.18978, Special Condition No. 1 PERMIT
Description: Equistar failed to maintain an emission rate below the allowable emission limits.

Effective Date: 08/10/2007 **ADMINORDER 2006-1232-AIR-E**

Classification: Moderate

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

Rqmt Prov: No. 18978, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 4477, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
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 D 382.085(b)

Description: Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006.

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. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: no # 4477 SP #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/10/2007 **ADMINORDER 2006-1932-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Permit #4477, Special Condition #1 PA
Description: Failed to prevent unauthorized emissions and meet the highly reactive volatile organic compounds ("HRVOC") hourly cap.

Classification: Moderate

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

Rqmt Prov: # 18978 Special Condition #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #4477, SC#1 PA
Description: Failure to prevent unauthorized emissions of ethylene from PSV V4202RV1 to the atmosphere.

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	10/21/2002	(235427)
2	11/25/2002	(235430)
3	11/26/2002	(12901)
4	12/10/2002	(5090)
5	12/27/2002	(16448)
6	12/27/2002	(20265)
7	12/27/2002	(235433)
8	01/02/2003	(18810)
9	01/06/2003	(247625)
10	01/23/2003	(IE0018474001004)
11	01/24/2003	(19888)
12	01/24/2003	(235436)
13	02/20/2003	(235399)
14	02/28/2003	(9857)
15	03/14/2003	(21929)
16	03/14/2003	(22326)
17	03/22/2003	(327908)
18	03/24/2003	(235402)
19	03/31/2003	(29709)
20	04/01/2003	(23726)
21	04/04/2003	(247626)
22	04/22/2003	(235418)
23	04/22/2003	(235405)
24	05/22/2003	(235409)
25	06/24/2003	(235414)
26	06/27/2003	(35753)
27	08/25/2003	(327913)
28	08/29/2003	(149537)
29	09/22/2003	(327914)
30	10/21/2003	(327915)
31	10/22/2003	(252907)
32	11/05/2003	(249524)
33	11/25/2003	(327916)
34	12/29/2003	(327917)
35	02/24/2004	(327907)
36	03/11/2004	(260161)
37	04/05/2004	(253748)
38	04/13/2004	(333148)
39	04/22/2004	(327909)
40	04/22/2004	(327912)
41	04/28/2004	(327918)
42	05/24/2004	(327910)
43	06/16/2004	(272074)
44	06/16/2004	(271984)
45	06/21/2004	(327911)
46	07/01/2004	(333149)
47	07/12/2004	(271763)
48	08/13/2004	(250482)
49	08/16/2004	(367337)
50	08/16/2004	(367341)
51	08/26/2004	(254149)
52	08/27/2004	(250439)
53	08/31/2004	(290544)
54	08/31/2004	(272519)
55	08/31/2004	(270004)
56	08/31/2004	(271406)
57	08/31/2004	(270110)
58	08/31/2004	(273293)

59	08/31/2004	(280376)
60	09/23/2004	(367338)
61	10/18/2004	(335439)
62	10/20/2004	(367339)
63	10/25/2004	(291882)
64	10/26/2004	(336354)
65	10/31/2004	(288355)
66	11/11/2004	(290530)
67	11/12/2004	(338008)
68	11/29/2004	(367340)
69	12/10/2004	(253708)
70	12/10/2004	(276453)
71	12/10/2004	(285085)
72	12/13/2004	(291053)
73	12/20/2004	(339171)
74	12/20/2004	(285304)
75	12/21/2004	(289537)
76	12/21/2004	(284737)
77	12/21/2004	(338825)
78	12/21/2004	(338830)
79	12/21/2004	(289814)
80	12/21/2004	(287807)
81	12/22/2004	(340087)
82	12/22/2004	(340088)
83	12/22/2004	(340090)
84	12/22/2004	(272306)
85	12/27/2004	(338823)
86	12/27/2004	(338826)
87	12/27/2004	(390239)
88	12/28/2004	(288900)
89	12/28/2004	(274165)
90	12/28/2004	(340085)
91	12/28/2004	(275757)
92	12/28/2004	(287579)
93	12/28/2004	(342437)
94	12/28/2004	(275765)
95	12/30/2004	(339169)
96	12/31/2004	(339170)
97	01/04/2005	(275598)
98	01/05/2005	(342314)
99	01/05/2005	(288752)
100	01/06/2005	(286945)
101	01/06/2005	(346266)
102	01/07/2005	(345093)
103	01/07/2005	(340854)
104	01/10/2005	(275036)
105	01/26/2005	(347775)
106	02/14/2005	(345107)
107	02/14/2005	(345108)
108	02/14/2005	(345109)
109	02/23/2005	(390238)
110	02/25/2005	(347533)
111	02/25/2005	(347508)
112	02/28/2005	(350647)
113	03/16/2005	(372522)
114	03/18/2005	(372086)
115	03/21/2005	(427694)
116	03/31/2005	(348992)
117	04/20/2005	(350846)
118	04/22/2005	(348993)
119	04/25/2005	(427695)
120	04/25/2005	(427698)
121	04/27/2005	(377666)
122	05/02/2005	(379027)
123	05/02/2005	(379023)
124	05/02/2005	(379025)
125	05/11/2005	(378796)

126	05/11/2005	(380586)
127	05/24/2005	(427696)
128	06/16/2005	(371763)
129	06/23/2005	(427697)
130	07/06/2005	(398300)
131	07/08/2005	(397169)
132	07/08/2005	(397159)
133	07/08/2005	(397164)
134	07/29/2005	(400016)
135	07/29/2005	(402225)
136	08/03/2005	(402565)
137	08/08/2005	(404125)
138	08/09/2005	(402106)
139	08/10/2005	(404030)
140	08/19/2005	(404431)
141	08/23/2005	(404501)
142	08/23/2005	(447751)
143	08/24/2005	(405380)
144	08/24/2005	(392722)
145	08/25/2005	(405740)
146	08/30/2005	(404242)
147	09/14/2005	(431715)
148	09/21/2005	(431539)
149	09/23/2005	(447752)
150	10/26/2005	(492909)
151	10/26/2005	(492906)
152	11/21/2005	(435080)
153	11/21/2005	(433841)
154	11/28/2005	(492907)
155	12/21/2005	(492908)
156	01/20/2006	(439064)
157	01/20/2006	(439066)
158	01/26/2006	(431992)
159	02/02/2006	(439522)
160	02/02/2006	(439633)
161	02/02/2006	(439295)
162	02/15/2006	(439561)
163	02/21/2006	(453963)
164	02/22/2006	(432284)
165	02/22/2006	(492904)
166	02/23/2006	(455883)
167	02/24/2006	(451235)
168	02/25/2006	(456913)
169	02/28/2006	(456463)
170	02/28/2006	(457167)
171	02/28/2006	(457026)
172	03/08/2006	(454488)
173	03/13/2006	(458226)
174	03/16/2006	(454636)
175	03/16/2006	(454029)
176	03/16/2006	(454588)
177	03/16/2006	(455964)
178	03/23/2006	(492905)
179	04/19/2006	(462735)
180	04/24/2006	(506468)
181	04/26/2006	(455073)
182	05/25/2006	(506469)
183	05/25/2006	(463280)
184	05/26/2006	(467379)
185	05/26/2006	(467396)
186	05/26/2006	(467382)
187	05/26/2006	(467363)
188	05/26/2006	(467391)
189	05/26/2006	(467375)
190	05/31/2006	(466933)
191	06/21/2006	(462913)
192	06/21/2006	(481795)

193	06/22/2006	(483443)
194	06/26/2006	(506470)
195	06/27/2006	(455405)
196	06/27/2006	(455404)
197	06/29/2006	(484570)
198	06/30/2006	(483762)
199	07/11/2006	(484826)
200	07/14/2006	(486946)
201	07/17/2006	(485587)
202	07/17/2006	(485923)
203	07/19/2006	(506471)
204	08/07/2006	(345081)
205	08/08/2006	(485874)
206	08/09/2006	(490279)
207	08/11/2006	(467626)
208	08/11/2006	(467635)
209	08/18/2006	(528685)
210	08/23/2006	(458894)
211	09/05/2006	(488651)
212	09/05/2006	(488631)
213	09/08/2006	(497595)
214	09/19/2006	(528686)
215	09/19/2006	(528687)
216	10/20/2006	(516566)
217	10/20/2006	(516554)
218	10/20/2006	(516121)
219	10/31/2006	(517252)
220	11/16/2006	(519602)
221	11/17/2006	(516921)
222	11/20/2006	(514502)
223	11/20/2006	(551952)
224	12/11/2006	(531680)
225	12/13/2006	(533373)
226	12/18/2006	(517871)
227	12/20/2006	(551953)
228	01/19/2007	(551954)
229	01/19/2007	(531635)
230	01/26/2007	(535998)
231	02/05/2007	(531641)
232	02/16/2007	(532610)
233	02/20/2007	(536017)
234	02/20/2007	(551951)
235	02/26/2007	(532609)
236	03/05/2007	(542456)
237	03/20/2007	(536006)
238	03/20/2007	(532775)
239	03/20/2007	(589296)
240	04/05/2007	(542368)
241	04/05/2007	(542369)
242	04/05/2007	(542370)
243	04/12/2007	(554892)
244	04/12/2007	(532611)
245	04/19/2007	(589297)
246	05/11/2007	(462772)
247	05/14/2007	(534972)
248	05/15/2007	(558701)
249	05/17/2007	(589298)
250	05/31/2007	(561392)
251	06/01/2007	(554895)
252	06/20/2007	(589299)
253	07/09/2007	(532634)
254	07/10/2007	(565209)
255	07/12/2007	(558881)
256	07/13/2007	(559650)
257	07/18/2007	(565509)
258	07/19/2007	(589300)
259	07/25/2007	(563252)

260 08/28/2007 (570434)
261 09/07/2007 (571530)
262 09/28/2007 (594920)
263 10/09/2007 (594695)
264 10/09/2007 (571528)
265 10/11/2007 (594693)

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

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.

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: Equistar failed to re-calibrated the pressure transducers in the reactor system.

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.

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.

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.

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.

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.

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 failed to prevent the over-pressurization of the depropanizer due to non-condensable impurities in the feed stream from an abnormal upstream process condition.

Date: 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: Lyondell/Equistar Chemicals, LP failed to open a 12" block valve required for F9 feed in prior to placing DMS in the furnace leading to the temporary poisoning of the MA/PD reactor.

Date: 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.

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: Lyondell-Equistar Chemicals, LP failed to prevent the C4202 secondary compressor shutdown.

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: 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 64occasions 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).
It was determined that Equistar failed to equip open-ended lin

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: 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).
It was determined that Equistar failed to equip two open-ended lines with caps/plugs.

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).
It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel

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).
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

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).
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

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 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)
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

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.

Date: 05/24/2007 (558701)

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 #18978
Description: Failure to prevent the unauthorized emissions of HRVOC and VOC.

Date: 07/09/2007 (532634)

Self Report? NO Classification: Minor
Citation: 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 D 382.085(b)
Rqmt Prov: PERMIT NSR Permit 19109, SC 6A
OP Title V Permit O-01606, SC 1A & SC 9A
Description: failed to maintain the heating value of the gas being combusted being 300 Btu/scf or greater in the Q-1 Flare (HSFLARE) on December 11, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP Title V Permit O-01606
Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the Q-1 Flare by January 31, 2006, and also failed to perform daily calibrations until March 17, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP Title V Permit O-01606, SC 1A
Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the cooling tower (Q1CT) until March 30, 2006, and also failed to perform daily calibrations on April 9 and 10, 2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP Title V Permit O-01606, SC 1A
Description: failed to install a continuous monitoring system to determine status of relief valves and duration of pressure relief events for pressure relief valves (HRVOC PSV) on the butene unloading system: PSV-R1779, PSV-R724, and PSV-J781RV.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP Title V Permit O-01606, SC 1A
Description: failed to maintain operating limits established during the HRVOC emission test on four 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 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 NSR Permit 19109, SE 12E
OP Title V Permit O-01606, SC 1A & 9A
Description: failed to equip open-ended lines with a plug or second valve on two occasions.

Self Report? NO Classification: Minor
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 NSR Permit 19109, SC 1
OP Title V Permit O-01606, SC 9A

Description: failed to maintain VOC emissions from railcar unloading to storage.

Self Report? NO Classification: Minor

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 NSR Permit 19109, SC 7D
OP Title V Permit O-01606, SC 9A

Description: failed to continuously monitor the incinerator stack oxygen concentration on October 4, 2005.

Self Report? NO Classification: Minor

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 NSR Permit 19109, SC 8
OP Title V Permit O-01606, SC 9A

Description: failed to perform the required cylinder gas audit (CGA) on the oxygen analyzer by March 31, 2006.

Self Report? NO Classification: Minor

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 NSR Permit 19109, SC 2
OP Title V Permit O-01606, SC 9A

Description: failed to limit the volatile organic compounds (VOC) content in the polyethylene powder exiting the product purge bin to 100 ppm by weight on October 31, 2005.

Self Report? NO Classification: Minor

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 NSR Permit 19109, SC 1
OP Title V Permit O-01606, SC 9A

Description: failed to maintain NOx emissions from the Q-1 Flare (HSFLARE) within the limit of 0.50 lb/hr.

Self Report? NO Classification: Minor

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 NSR Permit 19109, SC 9
OP Title V Permit O-01606, SC 9A

Description: failed to maintain a sock filter on the powder feeder hopper on April 8, 2006.

Date: 07/10/2007 (565209)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Permit #4477, Special Condition #1

Description: Failure to prevent the lifting of safety relief valves which resulted in unauthorized emissions of ethylene to the atmosphere.

F. Environmental audits.

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

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

Notice of Intent Date: 07/27/2007 (593661)
No DOV Associated

Notice of Intent Date: 07/31/2007 (593666)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
EQUISTAR CHEMICALS, LP	§	
RN100210319	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1715-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing 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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about October 14, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty Thousand Four Hundred Thirty-One Dollars ($20,431) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand One Hundred Seventy-Three Dollars ($8,173) of the administrative penalty and Four Thousand Eighty-Six Dollars ($4,086) is deferred

contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eight Thousand One Hundred Seventy-Two Dollars ($8,172) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. Reviewed the furnace de-coke Standard Operating Procedure ("SOP") with affected process technicians on September 24, 2007;

   b. Conducted release reporting training on October 30, 2007; and

   c. Reviewed the trailer loading SOP with affected personnel on September 21, 2007.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of Air Permit No. 18978, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 28, 2007. Specifically, during Incident No. 96455 on August 21, 2007 the following unauthorized emissions were released from the Furnace 9 Transfer Line Isolation Valve and the Decoke Header over a period of nine hours and 12 minutes: 177 pounds ("lbs") of ethylene, 38 lbs of propylene, 8 lbs of 1,3-butadiene, and 4 lbs of benzene. Since the emissions event was avoidable and not properly reported the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

2. Failed to report Incident No. 96455 within 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 28, 2007. Specifically, the August 21, 2007 emissions event was discovered at 11:50 a.m. but was not reported until August 23, 2007 at 4:27 p.m.

3. Failed to prevent unauthorized emissions, in violation of Air Permit No. 18978, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 28, 2007. Specifically, during Incident No. 95709 on August 10, 2007 the following unauthorized emissions were released from a tank trailer's relief valve over a period of one minute: 65 lbs of ethylene, 33 lbs of benzene, 30 lbs of propylene, 24 lbs of propane, and 15 lbs of other volatile organic compounds. Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2007-1715-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand One Hundred Seventy-Two Dollars ($8,172) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (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.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Idlin
For the Executive Director

4/15/2008
Date

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

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

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

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

Marcus W. Gaddy
Signature

2/1/08
Date

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

Plant Manager
Title

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

Attachment A
Docket Number: 2007-1715-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Equistar Chemicals, LP**
Payable Penalty Amount:	**Sixteen Thousand Three Hundred Forty-Five Dollars ($16,345)**
SEP Amount:	**Eight Thousand One Hundred Seventy-Two Dollars ($8,172)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project**
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 Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

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 significant and discernible environmental benefits to the Harris County area by

providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

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:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

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.