

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2008-0530-AIR-E **TCEQ ID:** RN100210319 **CASE NO.:** 35638
RESPONDENT NAME: Equistar Chemicals, LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions, Docket Numbers 2007-1333-AIR-E and 2008-0958-AIR-E, regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 15, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: 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. M. D. Webster, 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</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Reviews Relating to this Case: December 27, 2007, February 8, 2008, February 18, 2008, February 22, 2008, and March 3, 2008</p> <p>Date of NOEs Relating to this Case: March 10, 2008, April 2, 2008, April 3, 2008, April 22, 2008, and May 7, 2008 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, during Incident No. 101266 on December 12, 2007 the following unauthorized emissions were released from the Elevated Flare over a period of one hour and 15 minutes: 603.70 pounds ("lbs") of ethylene, 893.50 lbs of carbon monoxide ("CO"), and 117.75 lbs of nitrogen oxides ("NOx"). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 18978, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, during Incident No. 103287 on February 4, 2008 the following unauthorized emissions were released from the Elevated Flare and the Acetylene Recovery Unit ("ARU") Flare over a period of five hours and 30 minutes: 3,461.80 lbs of volatile organic compounds ("VOCs"), 4,502 lbs of CO, and 626 lbs of NOx. Since the emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not</p>	<p>Total Assessed: \$52,038</p> <p>Total Deferred: \$10,407 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$20,815</p> <p>Total Paid to General Revenue: \$20,816</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent the recurrence of emissions events due to the same causes as the December 12, 2007 (Incident No. 101266), February 4, 2008 (Incident No. 103287), January 26, 2008 (Incident No. 102875), February 7, 2008 (Incident No. 103461), and February 15, 2008 (Incident No. 103789) emissions events; and</p> <p>ii. Implement measures designed to ensure that emissions events are properly reported.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision 2.a.</p>

met [Air Permit No. 18978, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3) Failure to prevent unauthorized emissions. Specifically, during Incident No. 102875 on January 26, 2008 the following unauthorized emissions were released from the High Pressure Separator Relief Valve over a period of five hours and 33 minutes: 886 lbs of ethylene, 221 lbs of vinyl acetate, and 1 lb of propylene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 4477, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to prevent unauthorized emissions. Specifically, during Incident No. 103461 on February 7, 2008 the following unauthorized emissions were released from the AB3 Reactor Vents over a period of one hour and 58 minutes: 3,201.5 lbs of ethylene and 36.3 lbs of propylene. Since the emissions event was avoidable and not properly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 4477, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to properly report Incident No. 103461. Specifically, the permit number for the unit involved in the February 7, 2008 emissions event was not included in the final record submitted for the event [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failure to prevent unauthorized emissions. Specifically, during Incident No. 103789 on February 15, 2008 the following unauthorized emissions were released from the Elevated Flare and the ARU Flare over a period of 118 hours: 1,713.9 lbs of VOCs, 1,336.1 lbs of CO, and 145.5 lbs of NOx. Since the emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 18978, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Attachment A
Docket Number: 2008-0530-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	Forty-One Thousand Six Hundred Thirty-One Dollars (\$41,631)
SEP Amount:	Twenty Thousand Eight Hundred Fifteen Dollars (\$20,815)
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.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision February 29, 2008

DATES	Assigned	13-May-2008			
	PCW	19-May-2008	Screening	19-May-2008	EPA Due 5-Dec-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.	35638	No. of Violations	6
Docket No.	2008-0530-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	363% Enhancement	Subtotals 2, 3, & 7	\$63,888
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Notes: Penalty enhancement due to 30 same or similar NOV's, 13 unrelated NOV's, 17 self-reported effluent discharge violations, three agreed orders with a denial of liability, and four agreed orders without a denial of liability. Penalty reduction due to seven Notice of Audit letters submitted.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$556	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$14,600		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$81,488
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$81,488**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$52,038
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DEFERRAL	20%	Reduction	Adjustment	-\$10,407
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$41,631
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Screening Date 19-May-2008

Docket No. 2008-0530-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 35638

PCW Revision February 29, 2008

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 (<i>number of NOVs meeting criteria</i>)	30	150%
	Other written NOVs	30	60%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 363%

>> 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 30 same or similar NOVs, 13 unrelated NOVs, 17 self-reported effluent discharge violations, three agreed orders with a denial of liability, and four agreed orders without a denial of liability. Penalty reduction due to seven Notice of Audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 363%

Screening Date 19-May-2008	Docket No. 2008-0530-AIR-E	PCW
Respondent Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35638	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN100210319		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		

Violation Number	1	Rule Cite(s)		
		Air Permit No. 18978, Special Condition 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. 101266 on December 12, 2007 the following unauthorized emissions were released from the Elevated Flare over a period of one hour and 15 minutes: 603.70 pounds ("lbs") of ethylene, 893.50 lbs of carbon monoxide ("CO"), and 117.75 lbs of nitrogen oxides ("NOx"). Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification					
		Major	Moderate	Minor		Percent
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
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 the environment as a result of the violation.					

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events	1		Number of violation days	1
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<i>mark only one with an x</i>	daily	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$89	Violation Final Penalty Total \$11,575
This violation Final Assessed Penalty (adjusted for limits) \$10,000	

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 35638
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	12-Dec-2007	1-Nov-2008	0.9	\$89	n/a	\$89

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by an improper balance between ethane and ethylene composition in the feed going to the Absorber. Date required is the date of the emissions event. Final date is the projected date that corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$89

Screening Date 19-May-2008	Docket No. 2008-0530-AIR-E	PCW
Respondent Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35638	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN100210319		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	Air Permit No. 18978, Special Condition 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. 103287 on February 4, 2008 the following unauthorized emissions were released from the Elevated Flare and the Acetylene Recovery Unit ("ARU") Flare over a period of five hours and 30 minutes: 3,461.80 lbs of volatile organic compounds ("VOCs"), 4,502 lbs of CO, and 626 lbs of NOx. Since the emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			Percent	<input type="text" value="0%"/>	

Matrix Notes Human health and the environment have been exposed to a significant amount of pollutants that did not exceed levels that are protective of human health and the environment as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One monthly event is recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 35638
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				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	4-Feb-2008	1-Nov-2008	0.7	\$111	n/a	\$111

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by incorrect tube fitting installation. Date required is the date of the emissions event. Final date is the projected date that corrective actions will be 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

\$3,000

TOTAL

\$111

Screening Date 19-May-2008	Docket No. 2008-0530-AIR-E	PCW
Respondent Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35638	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN100210319		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	Air Permit No. 4477, Special Condition 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. 102875 on January 26, 2008 the following unauthorized emissions were released from the High Pressure Separator Relief Valve over a period of five hours and 33 minutes: 886 lbs of ethylene, 221 lbs of vinyl acetate, and 1 lb of propylene. Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="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 the environment as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount <input type="text" value="\$115"/>	Violation Final Penalty Total <input type="text" value="\$11,575"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,000"/>	

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 35638
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	26-Jan-2008	1-Nov-2008	0.8	\$115	n/a	\$115

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by excessive pressure at the High Pressure Separator. Date required is the date of the emissions event. Final date is the projected date that corrective actions will be 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

\$3,000

TOTAL

\$115

Screening Date 19-May-2008	Docket No. 2008-0530-AIR-E	PCW
Respondent Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35638	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN100210319		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	Air Permit No. 4477, Special Condition 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. 103461 on February 7, 2008 the following unauthorized emissions were released from the AB3 Reactor Vents over a period of one hour and 58 minutes: 3,201.5 lbs of ethylene and 36.3 lbs of propylene. Since the emissions event was avoidable and not properly reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

Matrix Notes
 The Houston-Galveston-Brazoria ozone nonattainment area has been exposed to over one ton of highly reactive volatile organic compounds as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

	daily	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 35638
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	7-Feb-2008	1-Nov-2008	0.7	\$184	n/a	\$184

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by false high pressure readings for the reactor. Date required is the date of the emissions event. Final date is the projected date that corrective actions will be 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:

\$184

Screening Date 19-May-2008	Docket No. 2008-0530-AIR-E	PCW
Respondent Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35638	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN100210319		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		
Violation Number <input type="text" value="5"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 101.201(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input type="text" value="Failed to properly report Incident No. 103461. Specifically, the permit number for the unit involved in the February 7, 2008 emissions event was not included in the final record."/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text" value="x"/>
Matrix Notes	<input type="text" value="Less than 30% of the reporting requirements were not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 35638
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	21-Feb-2008	1-Nov-2008	0.7	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that emissions events are properly reported. Date required is the date the final record was submitted for Incident No. 103461. Final date is the projected date corrective actions will be implemented.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$3

Screening Date 19-May-2008	Docket No. 2008-0530-AIR-E	PCW
Respondent Equistar Chemicals, LP	Policy Revision 2 (September 2002)	
Case ID No. 35638	PCW Revision February 29, 2008	
Reg. Ent. Reference No. RN100210319		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		

Violation Number	6
Rule Cite(s)	Air Permit No. 18978, Special Condition 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. 103789 on February 15, 2008 the following unauthorized emissions were released from the Elevated Flare and the ARU Flare over a period of 118 hours: 1,713.9 lbs of VOCs, 1,336.1 lbs of CO, and 145.5 lbs of NOx. Since the emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	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 the environment as a result of the violation.

Adjustment	\$7,500
	\$2,500

Violation Events

Number of Violation Events	1	Number of violation days	5
mark only one with an x	daily		Violation Base Penalty
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
One quarterly event is recommended.			
Violation Base Penalty	\$2,500		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$53
Violation Final Penalty Total	\$11,575
This violation Final Assessed Penalty (adjusted for limits)	
\$11,575	

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 35638
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Feb-2008	1-Nov-2008	0.7	\$53	n/a	\$53

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by a high liquid level in the knock out drum due to operator error. Date required is the date of the emissions event. Final date is the projected date that corrective actions will be 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

\$1,500

TOTAL

\$53

Compliance History

Customer/Respondent/Owner-Operator:	CN600124705	Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.81
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	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	79239	
	AIR NEW SOURCE PERMITS	PERMIT	83822	
	AIR NEW SOURCE PERMITS	EPA ID	P752M2	
	AIR NEW SOURCE PERMITS	PERMIT	4157A	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1122	
	AIR NEW SOURCE PERMITS	REGISTRATION	83481	
	AIR NEW SOURCE PERMITS	EPA ID	N74	
	AIR NEW SOURCE PERMITS	EPA ID	P752M1	
	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	

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: May 19, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 13, 2003 to May 13, 2008

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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: 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)

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)

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)

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.

Effective Date: 02/25/2008

ADMINORDER 2007-0519-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit #18978 PA
Special Condition 1 PERMIT

Description: failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit #18978, Special Condition 1 PA
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: Permit #4477, Special Condition #1 PA
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: Permit #4477, Special Condition #1 PA
Description: Failed to prevent unauthorized emissions.

Effective Date: 04/03/2008

ADMINORDER 2007-0938-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC No.1 PERMIT
TCEQ AIR PERMIT #18978, SC1 PERMIT

Description: Equistar failed to control unauthorized emissions on December 13, 2005.

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: Permit #4477, Special Condition #1 PA
Description: Failed to control unauthorized emissions on March 4, 2006

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/22/2003	(235409)
2	06/24/2003	(235414)
3	06/27/2003	(35753)
4	08/25/2003	(327913)
5	08/29/2003	(149537)
6	09/22/2003	(327914)
7	10/21/2003	(327915)
8	10/22/2003	(252907)

9	11/05/2003	(249524)
10	11/25/2003	(327916)
11	12/29/2003	(327917)
12	02/24/2004	(327907)
13	03/11/2004	(260161)
14	04/05/2004	(253748)
15	04/13/2004	(333148)
16	04/22/2004	(327909)
17	04/22/2004	(327912)
18	04/28/2004	(327918)
19	05/24/2004	(327910)
20	06/16/2004	(272074)
21	06/16/2004	(271984)
22	06/21/2004	(327911)
23	07/01/2004	(333149)
24	07/12/2004	(271763)
25	08/13/2004	(250482)
26	08/16/2004	(367337)
27	08/16/2004	(367341)
28	08/26/2004	(254149)
29	08/27/2004	(250439)
30	08/31/2004	(290544)
31	08/31/2004	(272519)
32	08/31/2004	(270004)
33	08/31/2004	(271406)
34	08/31/2004	(270110)
35	08/31/2004	(273293)
36	08/31/2004	(280376)
37	09/23/2004	(367338)
38	10/18/2004	(335439)
39	10/20/2004	(367339)
40	10/25/2004	(291882)
41	10/26/2004	(336354)
42	10/31/2004	(288355)
43	11/11/2004	(290530)
44	11/12/2004	(338008)
45	11/29/2004	(367340)
46	12/10/2004	(253708)
47	12/10/2004	(276453)
48	12/10/2004	(285085)
49	12/13/2004	(291053)
50	12/20/2004	(339171)
51	12/20/2004	(285304)
52	12/21/2004	(289537)
53	12/21/2004	(284737)
54	12/21/2004	(338825)
55	12/21/2004	(338830)
56	12/21/2004	(289814)
57	12/21/2004	(287807)
58	12/22/2004	(340087)
59	12/22/2004	(340088)
60	12/22/2004	(340090)
61	12/22/2004	(272306)
62	12/27/2004	(338823)
63	12/27/2004	(338826)
64	12/27/2004	(390239)
65	12/28/2004	(288900)
66	12/28/2004	(274165)
67	12/28/2004	(340085)
68	12/28/2004	(275757)
69	12/28/2004	(287579)
70	12/28/2004	(342437)
71	12/28/2004	(275765)
72	12/30/2004	(339169)
73	12/31/2004	(339170)
74	01/04/2005	(275598)
75	01/05/2005	(342314)

76	01/05/2005	(288752)
77	01/06/2005	(286945)
78	01/06/2005	(346266)
79	01/07/2005	(345093)
80	01/07/2005	(340854)
81	01/10/2005	(275036)
82	01/26/2005	(347775)
83	02/14/2005	(345107)
84	02/14/2005	(345108)
85	02/14/2005	(345109)
86	02/23/2005	(390238)
87	02/25/2005	(347533)
88	02/25/2005	(347508)
89	02/28/2005	(350647)
90	03/16/2005	(372522)
91	03/18/2005	(372086)
92	03/21/2005	(427694)
93	03/31/2005	(348992)
94	04/20/2005	(350846)
95	04/22/2005	(348993)
96	04/25/2005	(427695)
97	04/25/2005	(427698)
98	04/27/2005	(377666)
99	05/02/2005	(379027)
100	05/02/2005	(379023)
101	05/02/2005	(379025)
102	05/11/2005	(378796)
103	05/11/2005	(380586)
104	05/24/2005	(427696)
105	06/16/2005	(371763)
106	06/23/2005	(427697)
107	07/06/2005	(398300)
108	07/08/2005	(397169)
109	07/08/2005	(397159)
110	07/08/2005	(397164)
111	07/29/2005	(400016)
112	07/29/2005	(402225)
113	08/03/2005	(402565)
114	08/08/2005	(404125)
115	08/09/2005	(402106)
116	08/10/2005	(404030)
117	08/19/2005	(404431)
118	08/23/2005	(404501)
119	08/23/2005	(447751)
120	08/24/2005	(405380)
121	08/24/2005	(392722)
122	08/25/2005	(405740)
123	08/30/2005	(404242)
124	09/14/2005	(431715)
125	09/21/2005	(431539)
126	09/23/2005	(447752)
127	10/26/2005	(492909)
128	10/26/2005	(492906)
129	11/21/2005	(435080)
130	11/21/2005	(433841)
131	11/28/2005	(492907)
132	12/21/2005	(492908)
133	01/20/2006	(439064)
134	01/20/2006	(439066)
135	01/26/2006	(431992)
136	02/02/2006	(439522)
137	02/02/2006	(439633)
138	02/02/2006	(439295)
139	02/15/2006	(439561)
140	02/21/2006	(453963)
141	02/22/2006	(432284)
142	02/22/2006	(492904)

143	02/23/2006	(455883)
144	02/24/2006	(451235)
145	02/25/2006	(456913)
146	02/28/2006	(456463)
147	02/28/2006	(457167)
148	02/28/2006	(457026)
149	03/08/2006	(454488)
150	03/13/2006	(458226)
151	03/16/2006	(454636)
152	03/16/2006	(454029)
153	03/16/2006	(454588)
154	03/16/2006	(455964)
155	03/23/2006	(492905)
156	04/19/2006	(462735)
157	04/24/2006	(506468)
158	04/26/2006	(455073)
159	05/25/2006	(506469)
160	05/25/2006	(463280)
161	05/26/2006	(467379)
162	05/26/2006	(467396)
163	05/26/2006	(467382)
164	05/26/2006	(467363)
165	05/26/2006	(467391)
166	05/26/2006	(467375)
167	05/31/2006	(466933)
168	06/21/2006	(462913)
169	06/21/2006	(481795)
170	06/22/2006	(483443)
171	06/26/2006	(506470)
172	06/27/2006	(455405)
173	06/27/2006	(455404)
174	06/29/2006	(484570)
175	06/30/2006	(483762)
176	07/11/2006	(484826)
177	07/14/2006	(486946)
178	07/17/2006	(485587)
179	07/17/2006	(485923)
180	07/19/2006	(506471)
181	08/07/2006	(345081)
182	08/08/2006	(485874)
183	08/09/2006	(490279)
184	08/11/2006	(467626)
185	08/11/2006	(467635)
186	08/18/2006	(528685)
187	08/23/2006	(458894)
188	09/05/2006	(488651)
189	09/05/2006	(488631)
190	09/08/2006	(497595)
191	09/19/2006	(528686)
192	09/19/2006	(528687)
193	10/20/2006	(516566)
194	10/20/2006	(516554)
195	10/20/2006	(516121)
196	10/31/2006	(517252)
197	11/16/2006	(519602)
198	11/17/2006	(516921)
199	11/20/2006	(514502)
200	11/20/2006	(551952)
201	12/11/2006	(531680)
202	12/13/2006	(533373)
203	12/18/2006	(517871)
204	12/20/2006	(551953)
205	01/19/2007	(551954)
206	01/19/2007	(531635)
207	01/26/2007	(535998)
208	02/05/2007	(531641)
209	02/16/2007	(532610)

210	02/20/2007	(536017)
211	02/20/2007	(551951)
212	02/26/2007	(532609)
213	03/05/2007	(542456)
214	03/20/2007	(536006)
215	03/20/2007	(532775)
216	03/20/2007	(589296)
217	04/05/2007	(542368)
218	04/05/2007	(542369)
219	04/05/2007	(542370)
220	04/12/2007	(554892)
221	04/12/2007	(532611)
222	04/19/2007	(589297)
223	05/11/2007	(462772)
224	05/14/2007	(534972)
225	05/15/2007	(558701)
226	05/17/2007	(589298)
227	05/31/2007	(561392)
228	06/01/2007	(554895)
229	06/20/2007	(589299)
230	07/09/2007	(532634)
231	07/10/2007	(565209)
232	07/12/2007	(558881)
233	07/13/2007	(559650)
234	07/18/2007	(565509)
235	07/19/2007	(589300)
236	07/25/2007	(563252)
237	08/20/2007	(605806)
238	08/28/2007	(570434)
239	09/06/2007	(605807)
240	09/07/2007	(571530)
241	09/20/2007	(605809)
242	09/28/2007	(594920)
243	10/09/2007	(594695)
244	10/09/2007	(571528)
245	10/11/2007	(594693)
246	10/15/2007	(594692)
247	10/15/2007	(594694)
248	10/15/2007	(594690)
249	10/19/2007	(605808)
250	11/15/2007	(594689)
251	11/16/2007	(597973)
252	11/20/2007	(631964)
253	11/27/2007	(570521)
254	12/10/2007	(610695)
255	12/11/2007	(609989)
256	12/11/2007	(610682)
257	12/12/2007	(609039)
258	12/12/2007	(598310)
259	12/20/2007	(631965)
260	12/20/2007	(612437)
261	01/14/2008	(613552)
262	01/15/2008	(614252)
263	01/17/2008	(610699)
264	01/24/2008	(610674)
265	01/25/2008	(613555)
266	01/25/2008	(613874)
267	01/25/2008	(613541)
268	01/25/2008	(613512)
269	01/25/2008	(614229)
270	01/25/2008	(613857)
271	01/28/2008	(598307)
272	01/29/2008	(609101)
273	02/08/2008	(612730)
274	02/13/2008	(612840)
275	02/28/2008	(618019)
276	03/10/2008	(616812)

277 03/31/2008 (636151)
 278 04/01/2008 (616811)
 279 04/03/2008 (619011)
 280 04/06/2008 (637320)
 281 04/07/2008 (639314)
 282 04/07/2008 (641592)
 283 04/22/2008 (638949)
 284 05/01/2008 (638959)
 285 05/07/2008 (638961)
 286 05/09/2008 (638778)

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

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)
 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)
 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)
 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)
 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)
 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)
 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)
 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)
 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)

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

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)
 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)
 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)

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)
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)
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)

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)

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 64 occasions in the fugitive area (L3FUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).
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).

It was determined that Equistar failed to equip open-ended lines w

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)
 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)
 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)
 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) 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) 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)
 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)
 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.

Date: 10/31/2007 (631964)

Self Report? YES Classification: Moderate

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

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

Date: 11/16/2007 (597973)

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 block in the High Pressure Separator overhead valve resulting in unauthorized emissions.

Date: 02/08/2008 (612730)

Self Report? NO Classification: Moderate

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

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

Description: Failure to prevent the opening of the reactor vent to the atmosphere which resulted in the release of ethylene.

F. Environmental audits.

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

Notice of Intent Date: 11/28/2006 (534264)
 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

Notice of Intent Date: 11/05/2007 (615486)
 No DOV Associated

Notice of Intent Date: 11/05/2007 (615488)
 No DOV Associated

Notice of Intent Date: 11/05/2007 (615489)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100210319**

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§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0530-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 chemical 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 March 15, 2008, April 7, 2008, April 8, 2008, April 27, 2008, and May 12, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty-Two Thousand Thirty-Eight Dollars (\$52,038) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty Thousand Eight Hundred Sixteen Dollars (\$20,816) of the administrative penalty and Ten Thousand Four Hundred Seven Dollars (\$10,407) 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. Twenty Thousand Eight Hundred Fifteen Dollars (\$20,815) 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 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.
10. 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.
11. 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 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 27, 2007. Specifically, during Incident No. 101266 on December 12, 2007 the following unauthorized emissions were released from the Elevated Flare over a period of one hour and 15 minutes: 603.7 pounds ("lbs") of ethylene, 893.5 lbs of carbon monoxide ("CO"), and 117.7 lbs of nitrogen oxides ("NO_x"). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to prevent unauthorized emissions, in violation of Air Permit No. 18978, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 18, 2008. Specifically, during Incident No. 103287 on February 4, 2008 the following unauthorized emissions were released from the Elevated Flare and the Acetylene Recovery Unit ("ARU") Flare over a period of five hours and 30 minutes: 3,461.8 lbs of volatile organic compounds ("VOCs"), 4,502 lbs of CO, and 626 lbs of NO_x. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. Failed to prevent unauthorized emissions, in violation of Air Permit No. 4477, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 8, 2008. Specifically, during Incident No. 102875 on January 26, 2008 the following unauthorized emissions were released from the High Pressure Separator Relief Valve over a period of five hours and 33 minutes: 886 lbs of ethylene, 221 lbs of vinyl acetate, and 1 lb of propylene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
4. Failed to prevent unauthorized emissions, in violation of Air Permit No. 4477, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 22, 2008. Specifically, during Incident No. 103461 on February 7, 2008 the following unauthorized emissions were released from the AB3 Reactor Vents over a period of one hour and 58 minutes: 3,201.5 lbs of ethylene and 36.3 lbs of propylene. Since the emissions event was avoidable and not properly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
5. Failed to properly report Incident No. 103461, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 22, 2008. Specifically, the permit number for the unit involved in the February 7, 2008 emissions event was not included in the final record submitted for the event.
6. Failed to prevent unauthorized emissions, in violation of Air Permit No. 18978, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 3, 2008. Specifically, during Incident No. 103789 on February 15, 2008 the following unauthorized emissions were released from the Elevated Flare and the ARU Flare over a period of 118 hours: 1,713.9 lbs of VOCs, 1,336.1 lbs of CO, and 145.5 lbs of NO_x. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense 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. 2008-0530-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, Twenty Thousand Eight Hundred Fifteen Dollars (\$20,815) 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent the recurrence of emissions events due to the same causes as the December 12, 2007 (Incident No. 101266), February 4, 2008 (Incident No. 103287), January 26, 2008 (Incident No. 102875), February 7, 2008 (Incident No. 103461), and February 15, 2008 (Incident No. 103789) emissions events; and
 - ii. Implement measures designed to ensure that emissions events are properly reported.
 - b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision 3.a.

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

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

The certification shall be submitted to:

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

with a copy to:

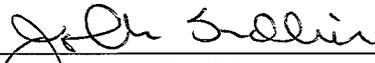
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon 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.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. 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.
8. 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.
9. 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



For the Executive Director

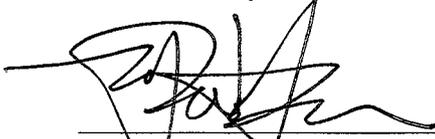
Date 11/14/2008

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.



Signature

Date 10/9/08

M. D. Wobser

Name (Printed or typed)
Authorized Representative of
Equistar Chemicals, LP

Title Plant Manager

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



Attachment A
Docket Number: 2008-0530-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	Forty-One Thousand Six Hundred Thirty-One Dollars (\$41,631)
SEP Amount:	Twenty Thousand Eight Hundred Fifteen Dollars (\$20,815)
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.

Equistar Chemicals, LP
Agreed Order – Attachment A

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.

