

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0152-AIR-E **TCEQ ID:** RN101867554 **CASE NO.:** 37109

RESPONDENT NAME: Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC

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: Odessa Petrochemical Plant, 2400 South Grandview Avenue, Odessa, Ector County</p> <p>TYPE OF OPERATION: Polyethylene and polypropylene production plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-1424-AIR-E.</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 June 1, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Edward L. Gunderson, Environmental Manager, Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC, 8600 Gosling Road, The Woodlands, Texas 77381-4845 Ms. Elizabeth McDaniel, EHS Vice President, Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC, 8600 Gosling Road, The Woodlands, Texas 77381-4845 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2009-0152-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 16, 2008</p> <p>Date of NOV/NOE Relating to this Case: January 13, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to submit the Title V Permit Compliance Certification ("PCC") within 30 days after the end of the annual compliance certification ("ACC") period; failure to submit the deviation report within 30 days after the end of the semi-annual deviation reporting period; and failure to include all deviations in two deviation reports. Specifically, the PCC for the November 24, 2006 to July 31, 2007 ACC period (the Plant was sold effective August 1, 2007) was due on August 30, 2007, but was not submitted until February 4, 2008. The deviation report for the November 24, 2006 to May 23, 2007 deviation reporting period was submitted within the required timeframe, but was incomplete. The deviation report for the May 24, 2007 to July 31, 2007 deviation reporting period was due on August 30, 2007, but was not submitted until October 1, 2007, and was incomplete. An amended deviation report was submitted on February 4, 2008 to include deviations which should have been submitted on the November 24, 2006 to May 23, 2007 and May 24, 2007 to July 31, 2007 deviation reports [30 TEX. ADMIN. CODE §§ 122.145(2)(A) and (C) and 122.146(2), Federal Operating Permit No. O-02150, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$45,208</p> <p>Total Deferred: \$9,041 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$18,083</p> <p>Total Paid to General Revenue: \$18,084</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On February 4, 2008, submitted the Title V PCC for the November 24, 2006 to July 31, 2007 annual certification period;</p> <p>b. On October 1, 2007, submitted a deviation report for the May 24, 2007 to July 31, 2007 semi-annual deviation reporting period;</p> <p>c. On February 4, 2008, submitted an amended deviation report for the November 24, 2006 to May 23, 2007 and May 24, 2007 to July 31, 2007 semi-annual deviation reporting periods, to include previously unreported deviations;</p> <p>d. By April 1, 2007, monitored the 16,405 components subject to the LDAR program that were previously identified/unmonitored; and</p> <p>e. Sold the Plant on August 1, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

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<p>2) Failure to monitor 13,139 flanges/connectors, 3,116 valves, 11 pump seals, and 139 open-ended lines in volatile organic compounds service, which were not identified in the 28VHP leak detection and repair ("LDAR") program [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 19123, Special Condition 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to submit an annual report for calendar years 2004 and 2005 that summarizes all inspections during which detectable emissions are measured that could result in benzene emissions if identified, including information about the repairs or corrective action taken [30 TEX. ADMIN. CODE § 101.20(2), 40 CODE OF FEDERAL REGULATIONS § 61.357(d)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): EB0057B

Attachment A

Docket Number: 2009-0152-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC

Penalty Amount: Thirty-Six Thousand One Hundred Sixty-Seven Dollars (\$36,167)

SEP Offset Amount: Eighteen Thousand Eighty-Three Dollars (\$18,083)

Type of SEP: Pre-approved

Third-Party Recipient: Keep Odessa Beautiful, Inc.

Location of SEP: Ector 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 Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Keep Odessa Beautiful, Inc.* for the Household Hazardous Waste, Tire Collection, and Recycling program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide citizens and schools with a safe and convenient opportunity to properly dispose of harmful chemicals and prevent illegal dumping of harmful wastes or tires. The following types of materials will be accepted: batteries, oil and oil filters, paints, household and/or school chemicals, and used tires. The items collected in these events will be either reused or properly disposed. Citizens may "reuse" unused portions of properly labelled and handled chemical products through the reusable materials exchange. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the amount of materials entering the environment, prevent pollution, promote recycling of reusable materials, and educate citizens about the harmful effects of illegal dumping.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Keep Odessa Beautiful
Courtney Graves, Executive Director
P.O. Box 14156
Odessa, Texas 79768

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	20-Jan-2009	Screening	29-Jan-2009	EPA Due	10-Oct-2009
	PCW	30-Jan-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC
Reg. Ent. Ref. No.	RN101867554
Facility/Site Region	7-Midland
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37109	No. of Violations	3
Docket No.	2009-0152-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		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	\$37,500
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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	14.0% Enhancement	Subtotals 2, 3, & 7	\$5,250
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Notes: Penalty enhancement due to four NOVs issued for same or similar violations and four NOVs issued for dissimilar violations. Penalty reduction due to seven notice of audit letters submitted, one disclosure of violations submitted, and participation in a voluntary pollution reduction program.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$8,125
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$10,585
 Approx. Cost of Compliance \$10,043
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	32.7%	Adjustment	\$10,583
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount	\$45,208
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$45,208
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DEFERRAL	20.0% Reduction	Adjustment	-\$9,041
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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	\$36,167
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Screening Date 29-Jan-2009	Docket No. 2009-0152-AIR-E	PCW
Respondent: Huntsman Polymers Corporation N/K/A Huntsman Advnar		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37109		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN101867554		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		

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>	4	20%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were 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>	1	-2%
<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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 14%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	Penalty enhancement due to four NOVs issued for same or similar violations and four NOVs issued for dissimilar violations. Penalty reduction due to seven notice of audit letters submitted, one disclosure of violations submitted, and participation in a voluntary pollution reduction program.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 14%

Screening Date 29-Jan-2009	Docket No. 2009-0152-AIR-E	PCW														
Respondent Huntsman Polymers Corporation N/K/A Huntsman Advanced Mater	<small>Policy Revision 2 (September 2002)</small>															
Case ID No. 37109	<small>PCW Revision October 30, 2008</small>															
Reg. Ent. Reference No. RN101867554																
Media [Statute] Air																
Enf. Coordinator Trina Grieco																
Violation Number <input type="text" value="1"/>																
Rule Cite(s)	30 Tex. Admin. Code §§122.145(2)(A) and (C) and 122.146(2), Federal Operating Permit No. O-02150, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)															
Violation Description	Failed to submit the Title V Permit Compliance Certification ("PCC") within 30 days after the end of the annual compliance certification ("ACC") period; failed to submit the deviation report within 30 days after the end of the semi-annual deviation reporting period; and failed to include all deviations in two deviation reports. Specifically, the PCC for the November 24, 2006 to July 31, 2007 ACC period (the Plant was sold effective August 1, 2007) was due on August 30, 2007, but was not submitted until February 4, 2008. The deviation report for the November 24, 2006 to May 23, 2007 deviation reporting period was submitted within the required timeframe, but was incomplete. The deviation report for the May 24, 2007 to July 31, 2007 deviation reporting period was due on August 30, 2007, but was not submitted until October 1, 2007, and was incomplete. An amended deviation report was submitted on February 4, 2008 to include deviations which should have been submitted on the November 24, 2006 to May 23, 2007 and May 24, 2007 to July 31, 2007 deviation reports.															
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"/>														
Potential	<input type="text"/>	<input type="text"/>														
	Percent	<input type="text" value="0%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/>	<input type="text" value="x"/>														
	Percent	<input type="text" value="25%"/>														
Matrix Notes	<input type="text" value="100% of the rule requirements were not met."/>															
Adjustment	<input type="text" value="\$7,500"/>															
\$2,500																
Violation Events																
Number of Violation Events	<input type="text" value="3"/>	Number of violation days														
	<input type="text" value="228"/>															
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text" value="x"/>	Violation Base Penalty
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input checked="" type="text" value="x"/>															
		<input type="text" value="\$7,500"/>														
<input type="text" value="Three single events (one per report) are recommended."/>																
Good Faith Efforts to Comply																
	25.0% Reduction	\$1,875														
	<small>Before NOV NOV to EDRP/Settlement Offer</small>															
Extraordinary	<input type="text"/>	<input type="text"/>														
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>														
N/A	<input type="text"/>	<small>(mark with x)</small>														
Notes	<input type="text" value="The Respondent completed corrective actions on February 4, 2008."/>															
Violation Subtotal	<input type="text" value="\$5,625"/>															
Economic Benefit (EB) for this violation																
Statutory Limit Test																
Estimated EB Amount	<input type="text" value="\$2"/>	Violation Final Penalty Total														
		<input type="text" value="\$8,858"/>														
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$8,858"/>														

Economic Benefit Worksheet

Respondent Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC
Case ID No. 37109
Reg. Ent. Reference No. RN101867554
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	30-Aug-2007	4-Feb-2008	0.43	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to prepare and submit the PCC and two deviation reports. The date required is the date the reports were due. The final date is the date the reports were submitted.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Screening Date 29-Jan-2009	Docket No. 2009-0152-AIR-E	PCW		
Respondent Huntsman Polymers Corporation N/K/A Huntsman Advanced Materis	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37109	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN101867554				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 19123, Special Condition 6 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to monitor 13,139 flanges/connectors, 3,116 valves, 11 pump seals, and 139 open-ended lines in volatile organic compounds ("VOC") service, which were not identified in the 28VHP leak detection and repair ("LDAR") program.			
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	Estimated emissions of 101.76 tons of VOCs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication.			
		Adjustment	<input type="text" value="\$5,000"/>	
		<input type="text" value="\$5,000"/>		
Violation Events				
Number of Violation Events		<input type="text" value="5"/>	Number of violation days	
		<input type="text" value="127"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<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"/>		
		<input type="text" value="\$25,000"/>		
Five monthly events are recommended from November 25, 2006 to April 1, 2007, during which the components were not monitored				
Good Faith Efforts to Comply				
		25.0% Reduction	<input type="text" value="\$6,250"/>	
		Before NOV NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
Notes	The Respondent completed corrective actions on April 1, 2007.			
		Violation Subtotal	<input type="text" value="\$18,750"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$10,466"/>	Violation Final Penalty Total	<input type="text" value="\$29,526"/>	
		This violation Final Assessed Penalty (adjusted for limits)		
		<input type="text" value="\$29,526"/>		

Economic Benefit Worksheet

Respondent Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC
Case ID No. 37109
Reg. Ent. Reference No. RN101867554
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$9,843	25-Nov-2006	1-Apr-2007	1.27	\$623	\$9,843	\$10,466

Notes for AVOIDED costs

Estimated expense to monitor the 16,405 components (at \$ 0.60 per component) subject to the LDAR program that were previously unidentified/unmonitored. The date required is the approximate date the deviation was discovered. The final date is the date the previously unidentified components were entered into the LDAR program and monitored.

Approx. Cost of Compliance

\$9,843

TOTAL

\$10,466

Screening Date 29-Jan-2009 **Docket No.** 2009-0152-AIR-E **PCW**

Respondent Huntsman Polymers Corporation N/K/A Huntsman Advanced Materi: *Policy Revision 2 (September 2002)*

Case ID No. 37109 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101867554

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 101.20(2), 40 Code of Federal Regulations § 61.357(d)(8) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an annual report for calendar years 2004 and 2005 that summarizes all inspections during which detectable emissions are measured that could result in benzene emissions if identified, including information about the repairs or corrective action taken.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 2 912 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$5,000

Two single events (one per report) are recommended.

Good Faith Efforts to Comply 0.0% Reduction **\$0**

	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 for this violation.

Violation Subtotal \$5,000

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

Estimated EB Amount: \$117 Violation Final Penalty Total: \$7,564

This violation Final Assessed Penalty (adjusted for limits) \$7,564

Economic Benefit Worksheet

Respondent: Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC
Case ID No.: 37109
Reg. Ent. Reference No.: RN101867554
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$100	31-Jan-2005	1-Aug-2007	3.42	\$17	\$100	\$117

Notes for AVOIDED costs

Estimated cost to submit two non-detectable emissions reports. The date required is the date the first report was due. The final date is the date the Plant was sold.

Approx. Cost of Compliance

\$100

TOTAL

\$117

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600132104	Huntsman Polymers Corporation	Classification: AVERAGE	Rating: 2.09
Regulated Entity:	RN101867554	ODESSA PETROCHEMICAL PLANT	Classification: AVERAGE	Site Rating: 0.25
ID Number(s):	AIR OPERATING PERMITS	PERMIT		1230
	AIR OPERATING PERMITS	PERMIT		2150
	AIR OPERATING PERMITS	ACCOUNT NUMBER		EB0057B
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD980626014
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30142
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW016
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW303
	AIR NEW SOURCE PERMITS	AFS NUM		4813500005
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		EB0057B
	AIR NEW SOURCE PERMITS	REGISTRATION		84477
	AIR NEW SOURCE PERMITS	REGISTRATION		55301
	AIR NEW SOURCE PERMITS	PERMIT		5611
	AIR NEW SOURCE PERMITS	PERMIT		13160
	AIR NEW SOURCE PERMITS	PERMIT		13909
	AIR NEW SOURCE PERMITS	PERMIT		15347
	AIR NEW SOURCE PERMITS	PERMIT		16963
	AIR NEW SOURCE PERMITS	PERMIT		17921
	AIR NEW SOURCE PERMITS	PERMIT		18615
	AIR NEW SOURCE PERMITS	PERMIT		19123
	AIR NEW SOURCE PERMITS	PERMIT		7824A
	AIR NEW SOURCE PERMITS	PERMIT		28685
	AIR NEW SOURCE PERMITS	PERMIT		19541
	AIR NEW SOURCE PERMITS	PERMIT		19844
	AIR NEW SOURCE PERMITS	PERMIT		20111
	AIR NEW SOURCE PERMITS	PERMIT		36305
	AIR NEW SOURCE PERMITS	PERMIT		2360
	AIR NEW SOURCE PERMITS	PERMIT		36488
	AIR NEW SOURCE PERMITS	PERMIT		37860
	AIR NEW SOURCE PERMITS	EPA ID		P967
	AIR NEW SOURCE PERMITS	PERMIT		43184
	AIR NEW SOURCE PERMITS	PERMIT		44348
	AIR NEW SOURCE PERMITS	PERMIT		45135
	AIR NEW SOURCE PERMITS	PERMIT		45503
	AIR NEW SOURCE PERMITS	PERMIT		46587
	AIR NEW SOURCE PERMITS	PERMIT		49831
	AIR NEW SOURCE PERMITS	PERMIT		52510
	AIR NEW SOURCE PERMITS	PERMIT		6369
	AIR NEW SOURCE PERMITS	PERMIT		6714
	AIR NEW SOURCE PERMITS	REGISTRATION		75552
	AIR NEW SOURCE PERMITS	PERMIT		27132
	AIR NEW SOURCE PERMITS	PERMIT		29685
	AIR NEW SOURCE PERMITS	PERMIT		31410
	AIR NEW SOURCE PERMITS	PERMIT		32767
	AIR NEW SOURCE PERMITS	PERMIT		39545
	AIR NEW SOURCE PERMITS	PERMIT		42452
	AIR NEW SOURCE PERMITS	PERMIT		45452
	AIR NEW SOURCE PERMITS	PERMIT		45454
	AIR NEW SOURCE PERMITS	REGISTRATION		71301
	AIR NEW SOURCE PERMITS	PERMIT		50789
	AIR NEW SOURCE PERMITS	PERMIT		54082
	AIR NEW SOURCE PERMITS	REGISTRATION		71693
	AIR NEW SOURCE PERMITS	PERMIT		52942
	AIR NEW SOURCE PERMITS	REGISTRATION		73097
	AIR NEW SOURCE PERMITS	REGISTRATION		74192
	AIR NEW SOURCE PERMITS	PERMIT		73742
	AIR NEW SOURCE PERMITS	REGISTRATION		74539
	AIR NEW SOURCE PERMITS	REGISTRATION		74377
	AIR NEW SOURCE PERMITS	PERMIT		1966
	AIR NEW SOURCE PERMITS	REGISTRATION		74948
	AIR NEW SOURCE PERMITS	REGISTRATION		76478
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1028
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX967
	AIR NEW SOURCE PERMITS	REGISTRATION		76794
	AIR NEW SOURCE PERMITS	REGISTRATION		78590
	AIR NEW SOURCE PERMITS	REGISTRATION		81489
	AIR NEW SOURCE PERMITS	REGISTRATION		81539
	AIR NEW SOURCE PERMITS	REGISTRATION		81219

AIR NEW SOURCE PERMITS	REGISTRATION	81622
AIR NEW SOURCE PERMITS	REGISTRATION	81623
AIR NEW SOURCE PERMITS	REGISTRATION	81675
AIR NEW SOURCE PERMITS	REGISTRATION	81678
AIR NEW SOURCE PERMITS	REGISTRATION	82016
AIR NEW SOURCE PERMITS	REGISTRATION	82816
AIR NEW SOURCE PERMITS	REGISTRATION	85019
AIR NEW SOURCE PERMITS	REGISTRATION	84475
AIR NEW SOURCE PERMITS	REGISTRATION	85940
AIR NEW SOURCE PERMITS	REGISTRATION	85407
AIR NEW SOURCE PERMITS	PERMIT	44347
AIR NEW SOURCE PERMITS	REGISTRATION	86533
AIR NEW SOURCE PERMITS	REGISTRATION	86623
AIR NEW SOURCE PERMITS	REGISTRATION	86380
AIR NEW SOURCE PERMITS	REGISTRATION	86715
AIR NEW SOURCE PERMITS	REGISTRATION	85938
AIR NEW SOURCE PERMITS	REGISTRATION	85689
AIR NEW SOURCE PERMITS	REGISTRATION	86335
AIR NEW SOURCE PERMITS	REGISTRATION	85939
AIR NEW SOURCE PERMITS	REGISTRATION	85942
AIR NEW SOURCE PERMITS	REGISTRATION	86489
AIR NEW SOURCE PERMITS	REGISTRATION	86190
AIR NEW SOURCE PERMITS	REGISTRATION	84797
AIR NEW SOURCE PERMITS	REGISTRATION	83071
AIR NEW SOURCE PERMITS	PERMIT	83928
AIR NEW SOURCE PERMITS	REGISTRATION	85418
AIR NEW SOURCE PERMITS	REGISTRATION	84913
WASTEWATER	PERMIT	TPDES01304
WASTEWATER	PERMIT	WQ0001304000
WASTEWATER	PERMIT	TX0111708
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50290
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50290
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50290
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30142
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50290
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50290

Location: 2400 S GRANDVIEW AVE, ODESSA, TX, 79766

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: January 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 26, 2004 to January 26, 2009

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

Name: Trina Grieco Phone: (210) 403-4006

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? Yes
- 3. If Yes, who is the current owner? Flint Hills Resources, L.P.
- 4. If Yes, who was/were the prior owner(s)? Huntsman Polymers Corporation
Huntsman Advanced Materials LLC
- 5. When did the change(s) in ownership occur? 8/1/2007
- 6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.

N/A

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

1	02/13/2004	(262420)
2	02/13/2004	(324422)
3	03/10/2004	(264684)
4	03/11/2004	(324424)
5	04/21/2004	(324425)
6	05/03/2004	(269961)
7	05/12/2004	(265088)
8	05/12/2004	(272144)
9	05/19/2004	(365155)
10	06/14/2004	(324428)
11	07/12/2004	(365156)
12	08/12/2004	(289287)
13	08/16/2004	(365157)
14	09/17/2004	(365158)
15	10/16/2004	(337618)
16	10/22/2004	(365159)
17	11/12/2004	(339139)
18	11/24/2004	(389123)
19	12/13/2004	(389124)
20	01/10/2005	(389125)
21	02/07/2005	(349506)
22	02/07/2005	(426692)
23	02/09/2005	(349662)
24	03/03/2005	(371416)
25	04/04/2005	(375875)
26	04/11/2005	(426693)
27	04/28/2005	(372705)
28	05/10/2005	(426694)
29	06/10/2005	(453695)
30	06/13/2005	(394962)
31	06/15/2005	(426695)
32	07/05/2005	(397703)
33	07/11/2005	(446919)
34	08/09/2005	(446920)
35	08/17/2005	(404735)
36	09/13/2005	(431770)
37	09/14/2005	(446921)
38	09/20/2005	(431891)
39	10/11/2005	(490856)
40	10/27/2005	(435679)
41	11/07/2005	(490857)
42	12/13/2005	(440269)
43	12/13/2005	(490858)
44	01/12/2006	(490859)
45	02/07/2006	(490854)
46	02/10/2006	(455206)
47	03/10/2006	(453698)
48	03/16/2006	(490855)
49	04/03/2006	(461485)
50	04/10/2006	(462312)
51	04/10/2006	(505518)
52	05/26/2006	(455718)
53	06/06/2006	(505520)
54	07/05/2006	(505519)
55	07/05/2006	(505521)
56	08/01/2006	(527787)
57	09/05/2006	(511057)
58	09/05/2006	(527788)
59	09/06/2006	(462240)
60	10/02/2006	(527789)
61	10/24/2006	(516248)
62	11/02/2006	(588319)
63	12/04/2006	(588320)

Notice of Intent Date: 07/31/2007 (573576)
No DOV Associated
Notice of Intent Date: 07/24/2008 (700504)
No DOV Associated
Notice of Intent Date: 08/18/2008 (703365)
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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM		12/20/2004

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
HUNTSMAN POLYMERS	§	TEXAS COMMISSION ON
CORPORATION N/K/A HUNTSMAN	§	
ADVANCED MATERIALS LLC	§	
RN101867554	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0152-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 Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC ("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 owned and operated a polyethylene and polypropylene production plant at 2400 South Grandview Avenue in Odessa, Ector County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 18, 2009.
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 Forty-Five Thousand Two Hundred Eight Dollars (\$45,208) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eighteen Thousand Eighty-Four Dollars (\$18,084) of the administrative penalty and Nine Thousand Forty-One Dollars (\$9,041) 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. Eighteen Thousand Eighty-Three Dollars (\$18,083) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 4, 2008, submitted the Title V Permit Compliance Certification ("PCC") for the November 24, 2006 to July 31, 2007 annual certification period;
 - b. On October 1, 2007, submitted a deviation report for the May 24, 2007 to July 31, 2007 semi-annual deviation reporting period;
 - c. On February 4, 2008, submitted an amended deviation report for the November 24, 2006 to May 23, 2007 and May 24, 2007 to July 31, 2007 semi-annual deviation reporting periods, to include previously unreported deviations;
 - d. By April 1, 2007, monitored the 16,405 components subject to the LDAR program that were previously unidentified/unmonitored; and
 - e. Sold the Plant on August 1, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit the Title V PCC within 30 days after the end of the annual compliance certification ("ACC") period; failed to submit the deviation report within 30 days after the end of the semi-annual deviation reporting period; and failed to include all deviations in two deviation reports, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(A) and (C) and 122.146(2), Federal Operating Permit No. O-02150, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 16, 2008. Specifically, the PCC for the November 24, 2006 to July 31, 2007 ACC period (the Plant was sold effective August 1, 2007) was due on August 30, 2007, but was not submitted until February 4, 2008. The deviation report for the November 24, 2006 to May 23, 2007 deviation reporting period was submitted within the required timeframe, but was incomplete. The deviation report for the May 24, 2007 to July 31, 2007 deviation reporting period was due on August 30, 2007, but was not submitted until October 1, 2007, and was incomplete. An amended deviation report was submitted on February 4, 2008 to include deviations which should have been submitted on the November 24, 2006 to May 23, 2007 and May 24, 2007 to July 31, 2007 deviation reports.
2. Failed to monitor 13,139 flanges/connectors, 3,116 valves, 11 pump seals, and 139 open-ended lines in volatile organic compounds ("VOC") service, which were not identified in the 28VHP leak detection and repair ("LDAR") program, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 19123, Special Condition 6 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 16, 2008.
3. Failed to submit an annual report for calendar years 2004 and 2005 that summarizes all inspections during which detectable emissions are measured that could result in benzene emissions if identified, including information about the repairs or corrective action taken, in violation of 30 TEX. ADMIN. CODE § 101.20(2), 40 CODE OF FEDERAL REGULATIONS § 61.357(d)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 16, 2008.

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: Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC, Docket No. 2009-0152-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, Eighteen Thousand Eighty-Three Dollars (\$18,083) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin
For the Executive Director

5/6/2009
Date

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

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

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

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

Elizabeth McDaniel
Signature

4/6/09
Date

Elizabeth McDaniel
Name (Printed or typed)

ELHS V.P.
Title

Authorized Representative of
Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC

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: 2009-0152-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC

Penalty Amount: Thirty-Six Thousand One Hundred Sixty-Seven Dollars (\$36,167)

SEP Offset Amount: Eighteen Thousand Eighty-Three Dollars (\$18,083)

Type of SEP: Pre-approved

Third-Party Recipient: Keep Odessa Beautiful, Inc.

Location of SEP: Ector 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 Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Keep Odessa Beautiful, Inc.* for the Household Hazardous Waste, Tire Collection, and Recycling program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide citizens and schools with a safe and convenient opportunity to properly dispose of harmful chemicals and prevent illegal dumping of harmful wastes or tires. The following types of materials will be accepted: batteries, oil and oil filters, paints, household and/or school chemicals, and used tires. The items collected in these events will be either reused or properly disposed. Citizens may "reuse" unused portions of properly labelled and handled chemical products through the reusable materials exchange. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the amount of materials entering the environment, prevent pollution, promote recycling of reusable materials, and educate citizens about the harmful effects of illegal dumping.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Keep Odessa Beautiful
Courtney Graves, Executive Director
P.O. Box 14156
Odessa, Texas 79768

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

