

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0041-AIR-E TCEQ ID: RN100219252 CASE NO.: 37006

RESPONDENT NAME: Huntsman Petrochemical Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input 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: Huntsman Port Neches, 6001 Highway 366, Port Neches, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical 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 is one additional pending enforcement action regarding this facility location, Docket No. 2009-0330-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 8, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Mike Miller, Environmental Manager, Huntsman Petrochemical Corporation, 6001 Highway 366, Port Neches, Texas 77561 Mr. Jordan Morgan, Director of Manufacturing-PNPP, Huntsman Petrochemical Corporation, 6001 Highway 366, Port Neches, Texas 77561 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 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: September 4 through 10, 2008</p> <p>Date of NOV/NOE Relating to this Case: December 9, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions for Incident No. 106170. Specifically, 340 pounds ("lbs") of volatile organic compounds ("VOCs") were released into the atmosphere due to the failure to monitor the control valve when it was in manual mode, which led to high pressure gas being sent to the refiner. The emissions event occurred on April 10, 2008 and lasted 42 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 5952A, Special Condition No. 1, and Federal Operating Permit No. 1320, Special Condition No. 13].</p> <p>2) Failure to report an emissions event within the 24-hour timeframe for Incident No. 109142. The final report was due by June 1, 2008, but was not submitted until June 10, 2008 [30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. 1320, Special Condition No. 2(f)].</p> <p>3) Failure to prevent unauthorized emissions for Incident No. 109142. Specifically, 1,061.87 lbs of sulfur dioxide</p>	<p>Total Assessed: \$28,615</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$14,307</p> <p>Total Paid to General Revenue: \$14,308</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>Findings Orders Justification: Environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>1) Implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also 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 future emissions events due to the same causes as the emissions events that occurred on April 10, 2008 (Incident No. 106170), May 31, 2008 (Incident No. 109142), and June 6, 2008 (Incident No. 108945); and</p> <p>ii. Implement procedures to ensure timely reporting of emissions events.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.</p>

were released into the atmosphere due to the staining of the sight glass on the dimethyl disulfide charge vessel, which resulted in the incorrect amount of sulfur being charged. The emissions event occurred on May 31, 2008 and lasted 22 hours and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 19823, Special Condition No. 1, and Federal Operating Permit No. 2288, Special Condition No. 16].

4) Failure to prevent unauthorized emissions for Incident No. 108945. Specifically, 29,320 lbs of VOCs were released into the atmosphere from a pressure relief valve when an interlock was not bypassed during maintenance due to ineffective communication and failure to follow procedures. The emissions event occurred on June 6, 2008 and lasted five minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 19823, Special Condition No. 1, and Federal Operating Permit No. 2288, Special Condition No. 16].

Additional ID No(s): JE0052V

Attachment A
Docket Number: 2009-0041-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Huntsman Petrochemical Corporation
Payable Penalty Amount: Twenty-Eight Thousand Six Hundred Fifteen Dollars (\$28,615)
SEP Amount: Fourteen Thousand Three Hundred Seven Dollars (\$14,307)
Type of SEP: Pre-approved
Third-Party Recipient: Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles
Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

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 there is 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 air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment 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:

The Honorable Judge Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Dec-2008	Screening	12-Jan-2009	EPA Due	7-Sep-2009
	PCW	23-Jan-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Huntsman Petrochemical Corporation
Reg. Ent. Ref. No.	RN100219252
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37006	No. of Violations	4
Docket No.	2009-0041-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		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** \$15,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 265.0% Enhancement **Subtotals 2, 3, & 7** \$40,015

Notes
Penalty enhanced due to ten NOVs for same or similar violations, five NOVs for unrelated issues, three orders containing a denial of liability and six orders without a denial of liability. Penalty reduction due to five notices of audit submitted.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$689	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$10,500	

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$55,115

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$55,115

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$28,615

DEFERRAL 0.0% Reduction **Adjustment** \$0

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

Notes
No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$28,615

Screening Date 12-Jan-2009

Docket No. 2009-0041-AIR-E

PCW

Respondent Huntsman Petrochemical Corporation

Policy Revision 2 (September 2002)

Case ID No. 37006

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	10	50%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	6	150%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 265%

>> 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 enhanced due to ten NOVs for same or similar violations, five NOVs for unrelated issues, three orders containing a denial of liability and six orders without a denial of liability. Penalty reduction due to five notices of audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 265%

Screening Date 12-Jan-2009		Docket No. 2009-0041-AIR-E		PCW
Respondent Huntsman Petrochemical Corporation		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37006		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN100219252				
Media [Statute] Air				
Enf. Coordinator Roshondra Lowe				
Violation Number	<input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code 382.085(b), Air Permit No. 5952A, Special Condition No. 1 and Federal Operating Permit No. 1320, Special Condition No. 13			
Violation Description	Failed to prevent unauthorized emissions for Incident No. 106170. Specifically, 340 pounds ("lbs") of volatile organic compounds ("VOCs") were released into the atmosphere due to the failure to monitor the control valve when it was in manual mode, which led to high pressure gas being sent to the refiner. The emissions event occurred on April 10, 2008 and lasted 42 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.			
Base Penalty				<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text" value="x"/>	
	Potential	<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 or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment				<input type="text" value="\$7,500"/>
				<input type="text" value="\$2,500"/>
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text" value="x"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended.				Violation Base Penalty <input type="text" value="\$2,500"/>
Good Faith Efforts to Comply				
		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	<input type="text" value="x"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$2,500"/>
Economic Benefit (EB) for this violation				
		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$247"/>		Violation Final Penalty Total	<input type="text" value="\$9,125"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$9,125"/>

Economic Benefit Worksheet

Respondent: Huntsman Petrochemical Corporation
Case ID No.: 37006
Reg. Ent. Reference No.: RN100219252
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)	\$3,500	10-Apr-2008	7-Sep-2009	1.41	\$247	n/a	\$247

Notes for DELAYED costs

Estimated cost to implement procedures to ensure monitoring of control valves that are in manual mode. Date required is the date of the violation. Final date based on the date corrective actions are expected to be completed.

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

\$3,500

TOTAL

\$247

Screening Date 12-Jan-2009	Docket No. 2009-0041-AIR-E	PCW		
Respondent Huntsman Petrochemical Corporation	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37006	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100219252				
Media [Statute] Air				
Enf. Coordinator Roshondra Lowe				
Violation Number 2				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1) and 122.143(4), Tex. Health & Safety Code § 382.085(b) and Federal Operating Permit No. 1320, Special Condition No. 2(f)			
Violation Description	Failed to report an emissions event within the 24-hour timeframe for Incident No. 109142. The final report was due by June 1, 2008, but was not submitted until June 10, 2008.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix				
Falsification			Percent	
Major	Moderate	Minor		
<input type="text"/>	<input type="text"/>	<input checked="" type="text"/>	1%	
Matrix Notes	At least 70% of the rule requirement was met.			
Adjustment			\$9,900	
			\$100	
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	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"/>		
One single event is recommended.			\$100	
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="text"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$100	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$32"/>	Violation Final Penalty Total	<input type="text" value="\$365"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$365"/>	

Economic Benefit Worksheet

Respondent: Huntsman Petrochemical Corporation
Case ID No.: 37006
Reg. Ent. Reference No.: RN100219252
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)	\$500	1-Jun-2008	7-Sep-2009	1.27	\$32	n/a	\$32

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure timely reporting of emissions events. Date required is the date the report should have been submitted. Final date based on the date corrective actions are expected to be completed.

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

\$500

TOTAL

\$32

Screening Date 12-Jan-2009	Docket No. 2009-0041-AIR-E	PCW		
Respondent Huntsman Petrochemical Corporation	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37006	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100219252				
Media [Statute] Air				
Enf. Coordinator Roshondra Lowe				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code 382.085(b), Air Permit No. 19823, Special Condition No. 1 and Federal Operating Permit No. 2288, Special Condition No. 16			
Violation Description	Failed to prevent unauthorized emissions for Incident No. 109142. Specifically, 1,061.87 lbs of sulfur dioxide were released into the atmosphere due to the staining of the sight glass on the dimethyl disulfide charge vessel, which resulted in the incorrect amount of sulfur being charged. The emissions event occurred on May 31, 2008 and lasted 22 hours and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.			
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 checked="" type="checkbox"/>
	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 or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
		Adjustment	<input type="text" value="\$7,500"/>	
		<input type="text" value="\$2,500"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>	
		<small>Before NOV NOV to EDRP/Settlement Offer</small>		
	Extraordinary	<input type="text"/>		
	Ordinary	<input type="text"/>		
	N/A	<input checked="" type="checkbox"/> (mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	<input type="text" value="\$2,500"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$191"/>	Violation Final Penalty Total	
			<input type="text" value="\$9,125"/>	
		This violation Final Assessed Penalty (adjusted for limits)		
			<input type="text" value="\$9,125"/>	

Economic Benefit Worksheet

Respondent Huntsman Petrochemical Corporation
Case ID No. 37006
Reg. Ent. Reference No. RN100219252
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
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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)	\$3,000	31-May-2008	7-Sep-2009	1.27	\$191	n/a	\$191

Notes for DELAYED costs

Estimated cost to replace and maintain the sight glass on the DMDS charge vessel so sulfur levels can be observed. The date required is the violation date. Final date is based on the date corrective actions are expected to be completed.

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

\$3,000

TOTAL

\$191

Screening Date 12-Jan-2009	Docket No. 2009-0041-AIR-E	PCW		
Respondent Huntsman Petrochemical Corporation	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37006	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100219252				
Media [Statute] Air				
Enf. Coordinator Roshondra Lowe				
Violation Number 4				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 19823, Special Condition No. 1 and Federal Operating Permit No. 2288, Special Condition No. 16			
Violation Description	Failed to prevent unauthorized emissions for Incident No. 108945. Specifically, 29,320 lbs of VOCs were released into the atmosphere from a pressure relief valve when an interlock was not bypassed during maintenance due to ineffective communication and failure to follow procedures. The emissions event occurred on June 6, 2008 and lasted five minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
Actual	x			Percent 100%
Potential				
>> Programmatic Matrix				
Falsification			Harm	
Major			Moderate	Minor
			Percent 0%	
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment			\$0	
			\$10,000	
Violation Events				
Number of Violation Events		1	Number of violation days	
		1		
<small>mark only one with an x</small>	daily	x	Violation Base Penalty \$10,000	
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			
One daily event is recommended.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV NOV to EDRP/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			\$10,000	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount \$220		Violation Final Penalty Total \$36,500		
This violation Final Assessed Penalty (adjusted for limits) \$10,000				

Economic Benefit Worksheet

Respondent: Huntsman Petrochemical Corporation
Case ID No.: 37006
Reg. Ent. Reference No.: RN100219252
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
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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	\$3,500	6-Jun-2008	7-Sep-2009	1.25	\$220	n/a	\$220
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

Estimated cost to train personnel to follow proper procedures during maintenance activities. Date required is the date of violation. Final date based on the date corrective actions are expected to be completed.

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 \$3,500

TOTAL \$220

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600632848	Huntsman Petrochemical Corporation	Classification: AVERAGE	Rating: 4.77
Regulated Entity:	RN100219252	HUNTSMAN PORT NECHES	Classification: AVERAGE	Site Rating: 22.96

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0052V
	AIR OPERATING PERMITS	PERMIT	1320
	AIR OPERATING PERMITS	PERMIT	2286
	AIR OPERATING PERMITS	PERMIT	2287
	AIR OPERATING PERMITS	PERMIT	2288
	AIR OPERATING PERMITS	PERMIT	1322
	AIR OPERATING PERMITS	PERMIT	1327
	AIR OPERATING PERMITS	PERMIT	3056
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008076846
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30029
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	35486
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	40711
	AIR NEW SOURCE PERMITS	AFS NUM	4824500006
	AIR NEW SOURCE PERMITS	PERMIT	29516
	AIR NEW SOURCE PERMITS	REGISTRATION	71986
	AIR NEW SOURCE PERMITS	PERMIT	51736
	AIR NEW SOURCE PERMITS	PERMIT	52715
	AIR NEW SOURCE PERMITS	PERMIT	54551
	AIR NEW SOURCE PERMITS	PERMIT	54550
	AIR NEW SOURCE PERMITS	PERMIT	53515
	AIR NEW SOURCE PERMITS	PERMIT	54565
	AIR NEW SOURCE PERMITS	PERMIT	44055
	AIR NEW SOURCE PERMITS	PERMIT	44034
	AIR NEW SOURCE PERMITS	PERMIT	44434
	AIR NEW SOURCE PERMITS	PERMIT	44454
	AIR NEW SOURCE PERMITS	PERMIT	44561
	AIR NEW SOURCE PERMITS	PERMIT	44694
	AIR NEW SOURCE PERMITS	PERMIT	44812
	AIR NEW SOURCE PERMITS	PERMIT	45090
	AIR NEW SOURCE PERMITS	PERMIT	45094
	AIR NEW SOURCE PERMITS	PERMIT	45277
	AIR NEW SOURCE PERMITS	PERMIT	45278
	AIR NEW SOURCE PERMITS	PERMIT	45644
	AIR NEW SOURCE PERMITS	PERMIT	45569
	AIR NEW SOURCE PERMITS	PERMIT	46059
	AIR NEW SOURCE PERMITS	PERMIT	46088
	AIR NEW SOURCE PERMITS	PERMIT	42324
	AIR NEW SOURCE PERMITS	PERMIT	46489
	AIR NEW SOURCE PERMITS	PERMIT	46604
	AIR NEW SOURCE PERMITS	PERMIT	46791
	AIR NEW SOURCE PERMITS	PERMIT	47011
	AIR NEW SOURCE PERMITS	PERMIT	47065
	AIR NEW SOURCE PERMITS	PERMIT	47066
	AIR NEW SOURCE PERMITS	PERMIT	47555
	AIR NEW SOURCE PERMITS	PERMIT	47513
	AIR NEW SOURCE PERMITS	PERMIT	47577
	AIR NEW SOURCE PERMITS	PERMIT	47887
	AIR NEW SOURCE PERMITS	PERMIT	48178
	AIR NEW SOURCE PERMITS	PERMIT	48176
	AIR NEW SOURCE PERMITS	PERMIT	47939
	AIR NEW SOURCE PERMITS	PERMIT	49247
	AIR NEW SOURCE PERMITS	PERMIT	49493
	AIR NEW SOURCE PERMITS	PERMIT	49615
	AIR NEW SOURCE PERMITS	PERMIT	50109
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0052V
	AIR NEW SOURCE PERMITS	PERMIT	647B
	AIR NEW SOURCE PERMITS	PERMIT	4508A
	AIR NEW SOURCE PERMITS	PERMIT	5807A
	AIR NEW SOURCE PERMITS	PERMIT	5952A
	AIR NEW SOURCE PERMITS	PERMIT	5972A

AIR NEW SOURCE PERMITS	PERMIT	7761
AIR NEW SOURCE PERMITS	PERMIT	11824
AIR NEW SOURCE PERMITS	PERMIT	12276
AIR NEW SOURCE PERMITS	PERMIT	12800
AIR NEW SOURCE PERMITS	PERMIT	12599
AIR NEW SOURCE PERMITS	PERMIT	12951
AIR NEW SOURCE PERMITS	PERMIT	13091
AIR NEW SOURCE PERMITS	PERMIT	13377
AIR NEW SOURCE PERMITS	PERMIT	16909
AIR NEW SOURCE PERMITS	PERMIT	19823
AIR NEW SOURCE PERMITS	PERMIT	20134
AIR NEW SOURCE PERMITS	PERMIT	20160
AIR NEW SOURCE PERMITS	PERMIT	23141
AIR NEW SOURCE PERMITS	PERMIT	23568
AIR NEW SOURCE PERMITS	PERMIT	31443
AIR NEW SOURCE PERMITS	PERMIT	32823
AIR NEW SOURCE PERMITS	PERMIT	33285
AIR NEW SOURCE PERMITS	PERMIT	36646
AIR NEW SOURCE PERMITS	PERMIT	36453
AIR NEW SOURCE PERMITS	PERMIT	36831
AIR NEW SOURCE PERMITS	PERMIT	39725
AIR NEW SOURCE PERMITS	PERMIT	40103
AIR NEW SOURCE PERMITS	PERMIT	40527
AIR NEW SOURCE PERMITS	PERMIT	40804
AIR NEW SOURCE PERMITS	PERMIT	41444
AIR NEW SOURCE PERMITS	PERMIT	41301
AIR NEW SOURCE PERMITS	PERMIT	41757
AIR NEW SOURCE PERMITS	PERMIT	42103
AIR NEW SOURCE PERMITS	PERMIT	42153
AIR NEW SOURCE PERMITS	PERMIT	42526
AIR NEW SOURCE PERMITS	PERMIT	42154
AIR NEW SOURCE PERMITS	PERMIT	55077
AIR NEW SOURCE PERMITS	REGISTRATION	75754
AIR NEW SOURCE PERMITS	REGISTRATION	75597
AIR NEW SOURCE PERMITS	REGISTRATION	76018
AIR NEW SOURCE PERMITS	REGISTRATION	75748
AIR NEW SOURCE PERMITS	REGISTRATION	76383
AIR NEW SOURCE PERMITS	PERMIT	83816
AIR NEW SOURCE PERMITS	PERMIT	54935
AIR NEW SOURCE PERMITS	REGISTRATION	55753
AIR NEW SOURCE PERMITS	REGISTRATION	70023
AIR NEW SOURCE PERMITS	REGISTRATION	70024
AIR NEW SOURCE PERMITS	REGISTRATION	56738
AIR NEW SOURCE PERMITS	REGISTRATION	56737
AIR NEW SOURCE PERMITS	PERMIT	56390
AIR NEW SOURCE PERMITS	REGISTRATION	56243
AIR NEW SOURCE PERMITS	REGISTRATION	70571
AIR NEW SOURCE PERMITS	REGISTRATION	70781
AIR NEW SOURCE PERMITS	REGISTRATION	70858
AIR NEW SOURCE PERMITS	REGISTRATION	71038
AIR NEW SOURCE PERMITS	REGISTRATION	71506
AIR NEW SOURCE PERMITS	REGISTRATION	71130
AIR NEW SOURCE PERMITS	REGISTRATION	70726
AIR NEW SOURCE PERMITS	PERMIT	53551
AIR NEW SOURCE PERMITS	PERMIT	54057
AIR NEW SOURCE PERMITS	PERMIT	52318
AIR NEW SOURCE PERMITS	PERMIT	56077
AIR NEW SOURCE PERMITS	PERMIT	56073
AIR NEW SOURCE PERMITS	PERMIT	70011
AIR NEW SOURCE PERMITS	PERMIT	54219
AIR NEW SOURCE PERMITS	PERMIT	53979
AIR NEW SOURCE PERMITS	REGISTRATION	72310
AIR NEW SOURCE PERMITS	PERMIT	52531
AIR NEW SOURCE PERMITS	PERMIT	54231
AIR NEW SOURCE PERMITS	PERMIT	54570
AIR NEW SOURCE PERMITS	PERMIT	54234
AIR NEW SOURCE PERMITS	PERMIT	53005
AIR NEW SOURCE PERMITS	REGISTRATION	72329
AIR NEW SOURCE PERMITS	REGISTRATION	71751
AIR NEW SOURCE PERMITS	REGISTRATION	73102

AIR NEW SOURCE PERMITS	PERMIT	52077
AIR NEW SOURCE PERMITS	PERMIT	54881
AIR NEW SOURCE PERMITS	PERMIT	50360
AIR NEW SOURCE PERMITS	REGISTRATION	73927
AIR NEW SOURCE PERMITS	REGISTRATION	73665
AIR NEW SOURCE PERMITS	REGISTRATION	73663
AIR NEW SOURCE PERMITS	PERMIT	72907
AIR NEW SOURCE PERMITS	REGISTRATION	73956
AIR NEW SOURCE PERMITS	PERMIT	74236
AIR NEW SOURCE PERMITS	REGISTRATION	74362
AIR NEW SOURCE PERMITS	REGISTRATION	74296
AIR NEW SOURCE PERMITS	REGISTRATION	74838
AIR NEW SOURCE PERMITS	REGISTRATION	75203
AIR NEW SOURCE PERMITS	REGISTRATION	75183
AIR NEW SOURCE PERMITS	REGISTRATION	75202
AIR NEW SOURCE PERMITS	REGISTRATION	74849
AIR NEW SOURCE PERMITS	REGISTRATION	74851
AIR NEW SOURCE PERMITS	REGISTRATION	76732
AIR NEW SOURCE PERMITS	REGISTRATION	77129
AIR NEW SOURCE PERMITS	REGISTRATION	77327
AIR NEW SOURCE PERMITS	REGISTRATION	78199
AIR NEW SOURCE PERMITS	REGISTRATION	79036
AIR NEW SOURCE PERMITS	REGISTRATION	79296
AIR NEW SOURCE PERMITS	REGISTRATION	78974
AIR NEW SOURCE PERMITS	REGISTRATION	79198
AIR NEW SOURCE PERMITS	REGISTRATION	79800
AIR NEW SOURCE PERMITS	REGISTRATION	79529
AIR NEW SOURCE PERMITS	REGISTRATION	80149
AIR NEW SOURCE PERMITS	REGISTRATION	80390
AIR NEW SOURCE PERMITS	REGISTRATION	80171
AIR NEW SOURCE PERMITS	REGISTRATION	80169
AIR NEW SOURCE PERMITS	REGISTRATION	80328
AIR NEW SOURCE PERMITS	REGISTRATION	79939
AIR NEW SOURCE PERMITS	REGISTRATION	80702
AIR NEW SOURCE PERMITS	REGISTRATION	81531
AIR NEW SOURCE PERMITS	REGISTRATION	81415
AIR NEW SOURCE PERMITS	REGISTRATION	83113
AIR NEW SOURCE PERMITS	REGISTRATION	84374
AIR NEW SOURCE PERMITS	REGISTRATION	84617
AIR NEW SOURCE PERMITS	REGISTRATION	87062
AIR NEW SOURCE PERMITS	REGISTRATION	82543
AIR NEW SOURCE PERMITS	PERMIT	82488
AIR NEW SOURCE PERMITS	REGISTRATION	84694
AIR NEW SOURCE PERMITS	REGISTRATION	82922
AIR NEW SOURCE PERMITS	REGISTRATION	84519
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50055
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30029

Location: 6001 HIGHWAY 366, PORT NECHES, TX, 77651

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 05, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 05, 2004 to January 05, 2009

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

Name: Roshondra Lowe Phone: (713) 767-3553

Site Compliance History Components

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

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.

Effective Date: 06/13/2004 ADMINORDER 2003-0650-AIR-E

Classification: Moderate

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

Description: Failure to prevent the emission of an air contaminant that will contribute to air pollution.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)

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

Rqmt Prov: 20485 Special Conditions No. 5 PERMIT

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

Effective Date: 08/20/2006

ADMINORDER 2006-0107-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit 5952A SC 1 PA

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

Classification: Minor

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

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

Description: Failure to properly notify the Beaumont Region Office of a reportable emissions event for Incident 69694.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 19823, SPECIAL CONDITION 1 PERMIT

Description: Failure to prevent ethylene emissions during Incident 69694.

Effective Date: 09/21/2006

ADMINORDER 2006-0399-AIR-E

Classification: Moderate

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

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

Rqmt Prov: No. 16909 PERMIT

Description: Failure to prevent unauthorized emissions.

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 A 382.085(b)

Rqmt Prov: 20485 PERMIT

O-01327 OP

Description: Failure to meet the minimum net heating value requirement during the compliance test conducted on June 8, 2005, which should be greater than 11.2MJ/scm. Results of the compliance test show a minimum net heating value of 10.23MJ/scm.

Classification: Moderate

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

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

Rqmt Prov: Permit 5952A, SC 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failure to report an emissions event within 24 hours after discovery.

Classification: Moderate

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

Rqmt Prov: No. 16909/ Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 12/02/2006

ADMINORDER 2005-0926-AIR-E

Classification: Moderate

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

Rqmt Prov: 20485 PERMIT

Description: Failure to maintain VOC limit less than 2.0 ppmw in C4 Cooling Tower.

Classification: Moderate

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

Rqmt Prov: 20485 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 647B/MAERT PERMIT

Description: Failure to prevent unauthorized ammonia emissions from the E7 Cooling Tower. A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.730

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1435(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to conduct HON sampling and analysis following an approved method.

Classification: Moderate

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

Rqmt Prov: 20160 PERMIT

Description: Failure to repair leaking exchanger in the PO/MTBE cooling water system during unit shutdown.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the TCEQ within 24 hours after the discovery of a reportable emissions event at 1:00 p.m. on September 16, 2003 at the MTBE Drying Column Overhead Line..

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: 20160/General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions of 479.5 lbs of Dimethyl Ether, 8631.6 lbs of Isobutylene and 479.5 lbs of Methyl Formate from the MTBE Drying Column Overhead Line on September 16, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: 1322/SC17 OP
20160/GC 8 PERMIT

Description: Failed to prevent unauthorized emissions of 15 lbs of Ethylene Glycol, 699 lbs of Tert Butanol and 854 lbs of Tert Butyl Hydroperoxide from the Tertiary Butyl Alcohol (TBHP) Feed Header on January 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 20160, GC8 PERMIT
O-01322, SC17 OP

Description: Failed to prevent unauthorized emissions of 745 lbs of Tert Butanol from Tank 007, the TBA Day Tank (EPN POTK007) on February 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: 1322/SC 17 OP
5972A/SC 1 PERMIT

Description: Failed to prevent unauthorized emissions of 67 lbs of ethylene oxide from the F-P-137 Ethylene Oxide Rundown on August 25, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: 5952A, SC1 PERMIT

Description: Failed to prevent unauthorized emissions of VOCs of 303 lbs on December 10, 2003, 98 lbs December 13, 2003, 432 lbs January 1, 2004, 394 lbs January 15, 2004, 547 lbs February 17, 2004, and 167 lbs on February 28, 2004 from the F-F-6 Regenerator Vent.

Classification: Moderate

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

Rqmt Prov: 5952/ SC 1 PERMIT

Description: Failed to prevent unauthorized emissions of 595 lbs of Ethylene and 44 lbs of Ethylene Glycol from the Regenerator Flash Drum Vent on November 22, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to notify the TCEQ within 24 hours after the discovery of a reportable emissions event on August 23, 2003 at the F-4 Regenerator (EPN F4FF135).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 19823, SC1 PERMIT
20160, GC8 PERMIT

5972A, SC1 PERMIT
O-01322, SC17 OP

Description: Failed to prevent unauthorized emissions on August 23, 2003 of 1) 5304 lbs of VOC from the PO/MTBE Unit, and 2073 lbs of CO and 251 lbs of NOx from the F5 Unit of the PO/MTBE Plant to the PO/MTBE

Flare (EPN POFLARE), and 2) 221 lbs of Ethylene from the Regen/Reabsorb Vent at the F4 Regenerator (EPN F4FF135).

Classification: Moderate

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

Description: Failed to submit a final record to the TCEQ within two weeks after the end of a reportable emissions event on September 6, 2003 at the F-6 Regenerator Vent (EPN F6FF6104).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 5952A, SC1 PERMIT

Description: Failed to prevent unauthorized emissions of 106 lbs of Ethylene from the F-6 Regenerator Vent (EPN F6FF6104) on September 6, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to notify the TCEQ within 24 hours after the discovery of a reportable emissions event at 8:15 p.m. on October 5, 2003 at the F-6 Regenerator Vent (EPN F6FF6104).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 5952A, SC1 PERMIT

Description: Failed to prevent unauthorized emissions of 146 lbs VOCs (Ethylene and Ethylene Glycol) from the F-6 Regenerator Vent (EPN F6FF6104) on October 5, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to notify the TCEQ within 24 hours after the discovery of a reportable emissions event at 12:15 p.m. on October 25, 2003 at the relief valve on the ammonia absorber (EPN E4FUG1) at the E4 Unit of the Olefins and Oxides (O&O) Plant.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: 1322/ SC 15 OP

5897A/ SC1 PERMIT

Description: Failed to prevent unauthorized emissions of 2514 lbs of Ammonia from the relief valve on the ammonia absorber (EPN E4FUG1) at the E4 Unit of the O&O Plant on October 25, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 20485, SC1 PERMIT

O-01327, SC15 OP

Description: Failed to prevent unauthorized emissions on January 15, 2004 of 12 lbs of VOCs and 18 lbs of 1,3-Butadiene from the North Unit of the C4/MTBE/Butadiene Units, and 3 lbs of NOx and 19 lbs of CO from the Butadiene Unit of the C4 Plant to the North/South Flare (EPN UWNR1, UW6R1).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: 1327/ SC15 OP
20485/ SC1 PERMIT

Description: Failed to prevent unauthorized emissions of 163.46 lbs of VOCs on August 20, 2003 and 302.658 lbs of VOCs on February 20, 2004 from the tank hatch of Tank 77.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20485, SC1 PERMIT
O-01327, SC15 OP

Description: Failed to prevent unauthorized emissions to the North/South Flare (EPN UWN6R1/UWS6R1) of 2) 48 lbs of VOC and 17 lbs of 1,3 Butadiene from the MTBE Unit on July 22, 2003, and 3) 173 lbs of VOC, 79 lbs of 1,3 Butadiene, 131 lbs of CO and 13 lbs of NOx from the C4 Plant on February 7, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report an emissions event within 24 hours of discovery.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report an emissions event within 24 hours of discovery.

Classification: Moderate

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

Rqmt Prov: 5807A SC 1 PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: 5952A SC1 PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: 5952A SC1 PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

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

Rqmt Prov: 29516 General Conditions PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 56390 SC1 PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 20485 SC 1 PERMIT
20485/ Attachment A PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 20485 SC 1 PERMIT
20485/ Attachment A PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 20485 SC 1 PERMIT
20485/ Attachment A PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 20485 SC 1 PERMIT
20485/ Attachment A PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 20485 SC1 PERMIT
20485/ Attachment A PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 20485 Special Condition 1 PERMIT
20485/ Attachment A PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)

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

Description: Failure to comply with permit representations of 99.5% VOC destruction efficiency for Flare 3.
A8c1G

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 19823 PERMIT

Description: Failure to prevent visible emissions from the High Pressure Flare - South. B14

Classification: Moderate

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

Description: Failure to maintain air pollution emission capture and abatement equipment in good working order and operating properly for Flare 3. B18

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 19823 PERMIT

Description: Failure to prevent visible emissions from the High Pressure Flare - South. B14

Classification: Moderate

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

Description: Failure to maintain air pollution emission capture and abatement equipment in good working order and operating properly for Flare 3. B18

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)

30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with permit representations of 99.5% VOC destruction efficiency for Flare 3. A8c1G

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)

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

Description: Failure to comply with a reporting requirement.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)

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

Description: Failure to comply with a reporting requirement.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)

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

Description: Failure to comply with a reporting requirement.

Classification: Moderate

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

Rqmt Prov: 20485, Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 19823 Special Condition 1 PERMIT

O-02288 Special Condition 16 OP

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 101, SubChapter F 101.211(a)

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

Description: Failure to submit a timely reports of an emissions events on October 20 and 25, 2004, and March 16,2005.

Classification: Major

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

Rqmt Prov: Permit 5807A SC 1 PERMIT

Description: Failure to prevent unauthorized emissions that occurred at the anhydrous ammonia loading area of the E4 Unit; E4 Unit covered by Permit 5807A. Incident 48357.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-01327, SC 15 OP

Permit 20486, SC 1 PERMIT

Description: Failure to comply with the MAERT limits of permit 20485; failure to comply with the conditions of FOP O-01327.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-01327, SC 15 OP

Permit 20485, SC 1 PERMIT

Description: Failure to comply with the emissions limits as specified in Special Condition 1, which references the Maximum Allowable Emissions Rate Table, of TCEQ Permit 20485, and Special Condition 15 of Federal Operating Permit O-01327.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

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

Description: Failure to properly report emissions events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

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

Description: Failure to submit an initial notification of an emissions event with 24 hours.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

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

Description: Huntsman failed to properly identify the correct Emission Point Common Name in 57946 final notification.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 19823/ SC 1 PERMIT

Description: Failure to comply with the Maximum Allowable Emissions Rate Table (MAERT) of TCEQ Permit 19823.

Effective Date: 05/25/2007

ADMINORDER 2006-0902-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit 19823 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the Demethanizer Tower Pressure Relief Vent, PRV 2355.

Effective Date: 10/25/2007 ADMINORDER 2007-0360-AIR-E

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: 19823 Special Condition 1 PERMIT
O-02288 Special Condition 16 OP

Description: failed to prevent unauthorized emissions. Specifically, on November 28, 2006, over a period of 5 hours, the South Flare emitted 340.38 pounds ("lbs") of Volatile Organic Compound ("VOC") and 374.86 lbs of carbon monoxide ("CO"). Permit No. 19823 authorizes 32.87 lbs of VOC per hour and 53.59 lbs of CO per hour.

Effective Date: 01/28/2008 ADMINORDER 2007-0989-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20134 Special Condition 20 E PERMIT
5807A Special Condition 10 PERMIT

5807A Special Condition 2 E PERMIT
647B Special Condition 11 E PERMIT
O-02286 Special Condition 10 OP
O-02287 Special Condition 10 OP

Description: Failed to seal open-ended lines in volatile organic compounds service with a cap, blind flange, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms And Conditions OP

Description: Failed to submit two semi-annual deviation reports and one annual compliance certification within 30 days after each reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20134 Special Condition 12 B PERMIT
647B Special Condition 3 PERMIT

O-02286 Special Condition 10 OP
O-02287 Special Condition 10 OP

Description: Failed to monitor the E7 Flare to ensure a pilot flame is present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.264(7)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02287 Special Condition 10 OP

Description: Failed to notify the executive director within 10 days after the installation of the E7 Flare

drum seal (F-E7-72).

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: O-02287 Special Condition 10 OP
Permit 647B, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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: 20134 Special Condition 23E PERMIT
O-02286 Special Condition 10 OP

Description: Failed to submit a final sampling report within 30 days after sampling is completed.

Effective Date: 04/14/2008

ADMINORDER 2007-0581-MLM-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)
30 TAC Chapter 106, SubChapter A 106.4(c)

30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 335, SubChapter A 335.4
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 2288 Special Condition 17 OP
FOP 2288 Special Condition 1D OP

Special Condition 16 OP

Description: Failure to maintain emissions below the allowable reportable quantity for benzene in regards to Permit by Rule Number 106.532. MOD 2(D) EIC A(8)

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: 5952A Special Condition 1 PERMIT
O-01320 Special Condition 13 OP

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

Effective Date: 08/15/2008

ADMINORDER 2007-2006-AIR-E

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: O-1320 General Terms and Conditions OP
O-1320 Special Condition 13A OP

P-5972A Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: O-1322 General Terms and Conditions OP
O-1322 Special Condition 2F OP

Description: Failure to properly report an emissions event.

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: O-1322 General Terms and Conditions OP
O-1322 Special Conditions 17A OP

P-20160 Special Condition 1 PERMIT

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

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: FOP-O-1322 Special Condition 17 OP
Permit 20160 Special condition 1 PERMIT

Description: Failure to maintain emissions below the allowable emission limit. A10

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	03/30/2004	(262961)
2	03/30/2004	(263046)
3	04/01/2004	(262873)
4	04/01/2004	(262879)
5	04/01/2004	(262946)
6	04/01/2004	(262956)
7	04/01/2004	(262968)
8	04/01/2004	(263010)
9	04/01/2004	(263014)
10	04/01/2004	(263022)
11	04/01/2004	(263043)
12	04/01/2004	(263588)
13	04/01/2004	(263607)
14	04/02/2004	(263644)
15	04/02/2004	(264437)
16	04/02/2004	(264455)
17	04/08/2004	(263004)
18	04/08/2004	(263600)
19	04/08/2004	(264474)
20	04/21/2004	(264092)
21	04/21/2004	(264098)
22	04/21/2004	(264467)
23	04/21/2004	(264471)
24	06/23/2004	(273321)
25	07/16/2004	(270119)
26	08/26/2004	(273402)
27	08/31/2004	(263533)
28	08/31/2004	(285082)
29	09/08/2004	(288721)
30	10/18/2004	(333854)
31	01/11/2005	(343813)
32	01/28/2005	(343967)
33	02/16/2005	(344499)
34	02/16/2005	(344565)
35	02/16/2005	(351061)
36	02/23/2005	(346660)
37	03/08/2005	(346632)
38	03/08/2005	(347207)
39	03/10/2005	(341723)
40	03/31/2005	(373656)
41	04/04/2005	(349315)
42	04/04/2005	(349319)

43	04/05/2005	(349133)
44	04/05/2005	(349320)
45	04/05/2005	(374774)
46	04/15/2005	(375442)
47	04/15/2005	(375452)
48	04/15/2005	(375457)
49	04/21/2005	(373550)
50	04/26/2005	(374614)
51	05/12/2005	(377543)
52	05/12/2005	(377613)
53	05/12/2005	(377634)
54	05/12/2005	(378225)
55	05/12/2005	(378265)
56	05/12/2005	(378267)
57	05/12/2005	(378487)
58	05/18/2005	(377798)
59	05/20/2005	(376583)
60	05/20/2005	(377225)
61	06/14/2005	(379665)
62	06/15/2005	(379607)
63	06/15/2005	(394963)
64	06/17/2005	(380357)
65	07/05/2005	(395572)
66	07/05/2005	(395675)
67	07/06/2005	(397867)
68	07/15/2005	(392639)
69	07/15/2005	(392774)
70	08/02/2005	(401638)
71	08/25/2005	(403293)
72	08/29/2005	(399102)
73	08/31/2005	(381075)
74	09/09/2005	(404606)
75	11/03/2005	(419194)
76	11/16/2005	(434314)
77	12/05/2005	(398736)
78	12/05/2005	(431206)
79	12/06/2005	(437334)
80	12/06/2005	(437338)
81	12/06/2005	(437343)
82	12/16/2005	(437133)
83	01/27/2006	(437989)
84	01/27/2006	(450224)
85	01/27/2006	(451827)
86	01/30/2006	(438965)
87	02/22/2006	(455838)
88	02/22/2006	(455947)
89	02/22/2006	(456022)
90	02/22/2006	(456036)
91	02/22/2006	(456099)
92	02/27/2006	(454550)
93	02/28/2006	(457516)
94	02/28/2006	(457553)
95	02/28/2006	(457561)
96	03/30/2006	(453754)
97	03/30/2006	(456815)
98	03/30/2006	(458020)
99	03/30/2006	(458485)
100	03/30/2006	(458616)
101	03/31/2006	(458673)
102	04/07/2006	(454572)
103	04/07/2006	(455375)
104	04/07/2006	(458321)
105	04/07/2006	(459162)

106	04/26/2006	(461473)
107	05/01/2006	(463769)
108	05/04/2006	(464589)
109	05/26/2006	(465414)
110	06/22/2006	(465864)
111	07/31/2006	(487611)
112	08/17/2006	(481936)
113	08/23/2006	(485023)
114	08/31/2006	(449989)
115	08/31/2006	(454082)
116	08/31/2006	(486891)
117	08/31/2006	(487767)
118	09/11/2006	(488579)
119	09/19/2006	(513278)
120	09/20/2006	(511204)
121	09/20/2006	(511947)
122	09/25/2006	(488474)
123	09/25/2006	(497536)
124	09/25/2006	(509094)
125	10/10/2006	(513527)
126	10/25/2006	(515478)
127	10/25/2006	(515506)
128	10/25/2006	(515822)
129	10/30/2006	(511240)
130	11/08/2006	(515666)
131	11/13/2006	(517036)
132	11/13/2006	(517041)
133	11/15/2006	(514399)
134	11/15/2006	(517191)
135	11/16/2006	(515790)
136	11/27/2006	(518436)
137	11/28/2006	(516609)
138	11/28/2006	(517675)
139	11/30/2006	(516090)
140	12/04/2006	(533060)
141	12/12/2006	(533440)
142	12/15/2006	(531666)
143	12/28/2006	(488675)
144	12/29/2006	(456006)
145	01/17/2007	(531872)
146	02/08/2007	(535487)
147	02/20/2007	(535145)
148	02/21/2007	(537271)
149	02/23/2007	(534486)
150	02/23/2007	(537684)
151	02/23/2007	(540396)
152	02/26/2007	(540551)
153	03/19/2007	(539598)
154	03/20/2007	(539462)
155	03/20/2007	(539695)
156	04/09/2007	(541905)
157	04/20/2007	(541289)
158	04/21/2007	(533084)
159	04/26/2007	(537371)
160	04/27/2007	(543604)
161	04/30/2007	(543451)
162	05/16/2007	(555268)
163	05/31/2007	(543792)
164	06/14/2007	(557699)
165	06/14/2007	(557996)
166	06/14/2007	(558239)
167	06/14/2007	(561265)

168	06/26/2007	(543284)
169	07/12/2007	(515129)
170	07/30/2007	(558200)
171	09/21/2007	(570457)
172	09/21/2007	(570656)
173	09/27/2007	(570470)
174	11/12/2007	(600643)
175	11/27/2007	(597203)
176	11/27/2007	(597280)
177	11/27/2007	(598101)
178	11/28/2007	(597647)
179	11/28/2007	(600001)
180	12/03/2007	(597429)
181	12/04/2007	(560147)
182	12/10/2007	(611227)
183	12/14/2007	(597547)
184	01/13/2008	(613058)
185	02/08/2008	(617709)
186	02/29/2008	(614644)
187	02/29/2008	(614736)
188	03/13/2008	(613437)
189	04/02/2008	(638186)
190	04/10/2008	(617468)
191	04/25/2008	(617083)
192	05/05/2008	(656845)
193	05/08/2008	(617644)
194	05/08/2008	(639688)
195	05/16/2008	(654879)
196	06/11/2008	(560362)
197	06/12/2008	(655044)
198	06/20/2008	(671039)
199	07/09/2008	(682286)
200	08/02/2008	(684777)
201	08/04/2008	(684258)
202	08/04/2008	(685268)
203	08/25/2008	(683718)
204	08/26/2008	(700526)
205	09/07/2008	(686333)
206	09/09/2008	(684358)
207	09/10/2008	(702254)
208	11/24/2008	(705974)
209	12/09/2008	(654938)
210	12/09/2008	(703551)
211	12/22/2008	(706758)

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

Date: 06/23/2004 (273321)
 Self Report? NO Classification: Moderate
 Citation: 20485, SC 2D PERMIT
 20485, SC 3 PERMIT
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 113, SubChapter C 113.100
 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to properly operate the South Flare on May 3, 2004.

Date: 01/12/2005 (343813) CN600632848
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart H 63.167
 5C THC Chapter 382, SubChapter A 382.085(b)
 Permit O-02286, SC 1D OP

Description: Failure to maintain all VOC lines equipped with a capped end, blind flange, or double blocked valve at the T-E3-147 Tank and the Pump Out Line 56.

Date: 04/01/2005 (373656)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent visible emissions.

Date: 08/23/2006 (485023)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5807A PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02287 OP

Description: Failure to maintain the daily production limit for the E4 Unit as reported in the Deviation Report for FOP O-02287 covering January 20, 2004 to July 20, 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)(F)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02287 OP

Description: Failure to continuously collect and maintain pilot monitoring data, as required by 30 TAC 122.144(1) and 40 CFR 60.7(f), and reported in the Deviation Report for FOP O-02287 covering January 20, 2004 to July 20, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02287 OP

Description: Failure to analyze quarterly cooling water samples using Method 624 as reported in the Deviation Report for FOP O-02287 covering January 20, 2004 to July 20, 2004.

Self Report? NO Classification: Minor

Citation: 19823 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5807A PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02287 OP
O-02288 OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service for the following operating permits and Units: O-02287 - 5 components (Component Numbers 03968, 05771, 06097, 07502 and 07824) in E4FUG; O-02288 - 1 component (Component Number 0228) in A3FUG.

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)
647B PERMIT
O-02287 OP

Description: Failure to maintain the hourly production limit for Morpholine as reported in the Deviation Report for FOP O-02287 covering July 21, 2004 to January 19, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.264(7)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02287 OP

Description: Failure to submit a notification within ten days following installation of the replacement facility as reported in the Deviation Report for FOP O-02287 covering July 20, 2005 to January 19, 2006.

Self Report? NO Classification: Moderate

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)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
647B PERMIT
O-02287 OP

Description: Failure to operate the E7 flare with a flame present at all times as reported in the Deviation Report for FOP O-02287 covering July 20, 2005 to January 19, 2006.

Self Report? NO Classification: Moderate

Citation: 29516 PERMIT
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)
O-02288 OP

Description: Failure to maintain the minimum scrubber flow rate of 4,800 gallons per hour and the maximum Ethylene Oxide (EO) vapor flow to the scrubber of 1562.4 lbs/hr. as reported in the Deviation Report for FOP O-02288 covering February 14, 2005 to August 14, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.703(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02288 OP

Description: Failure to conduct and maintain records of monthly inspections of by-pass seals applicable to 40 CFR Part 60, Subparts NNN/RRR/FF as reported in the Deviation Report for FOP O-02288 covering February 14, 2005 to August 14, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02288 OP

Description: Failure to maintain the tank opening in a closed position during normal operations on Tanks T087 and T088, as reported in the Deviation Reports for FOP O-02288 covering February 14, 2005 to August 14, 2005 and August 15, 2005 to February 14, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02288 OP

Description: Failure to submit a Form PI-7 within 10 days following the addition of fugitive components as reported in the Deviation Report for FOP O-02288 covering February 14, 2005 to August 14, 2005.

Self Report? NO Classification: Moderate

Citation: 29516 PERMIT
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)
O-02288 OP

Description: Failure to maintain records of the scrubber water flow rate and temperature, and vapor flow rate in lbs/hr at the inlet of the scrubber for Unit RSEF085 as reported in the Deviation Report for FOP O-02288 covering August 15, 2005 to February 14, 2006.

Self Report? NO Classification: Moderate

Citation: 19823 PERMIT
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)
O-02288 OP

Description: Failure to maintain records of the Waste Heat Boiler CEMS daily calibrations for Unit A3HA35 as reported in the Deviation Report for FOP O-02288 covering August 15, 2005 to February 14, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)
 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 NNN 60.665(l)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02288 OP

Description: Failure to submit one 40 CFR Part 61, Subpart FF quarterly report for Unit PROA3WW and one 40 CFR Part 60, Subparts NNN/RRR semiannual report for applicable facilities within 30 days after the end of the applicable reporting period of December 31, 2005 as reported in the Deviation Report for FOP O-02288.

Self Report? NO **Classification:** Moderate

Citation: 16909 PERMIT
 19823 PERMIT
 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)
 O-02288 OP

Description: Failure to submit the semiannual reports within 30 days after the end of the applicable reporting period of December 31, 2005 for Units UEHK11, CG1/CG2, and A3HA35, as reported in the Deviation Report for FOP O-02288 covering August 15, 2005 to February 14, 2006.

Date: 11/13/2006 (517041)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(b)(2)
 P.P. II.C.1.I PERMIT
 P.P. II.C.2.a PERMIT

Description: Failure to maintain safety and emergency equipment inspection records.

Date: 11/13/2006 (517036)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

Description: Failure to maintain the liner in the secondary containment.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 P.P. II.C.1.I PERMIT
 P.P. II.C.2.a PERMIT

Description: Failure to input the date on the daily inspection logs.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
 P.P. II.C.1.I PERMIT
 P.P. II.C.2.a PERMIT

Description: Failure to input the signature of the inspector on the daily inspection logs.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(a)
 P.P. II.C.1.I PERMIT
 P.P. II.C.2.a PERMIT

Description: Failure to conduct required daily inspection of the BIF and hazardous waste tanks for malfunctions, deteriorations, operator errors, and discharges.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(iv)
 P.P. II.C.1.p PERMIT
 P.P. II.C.2.i PERMIT

Description: Failure to test for all associated alarms and parameters during the automatic waste feed cut-off monthly test as required by the permit.

Date: 01/18/2007 (531872) **CN600632848**

Self Report? NO **Classification:** Moderate

Citation: 20160 SC 15E PERMIT
 20160 SC 2C PERMIT
 20160 SC 3 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01322 SC 17 OP
Description: Failure to have cap and plugs installed on open-ended lines.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01322 General Terms and Conditions OP
 O-01322 SC 20 OP
Description: Failure to submit the annual compliance certification for FOP O-01322 in a timely manner.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)(G)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01322 SC 10A OP
 O-01322 SC IA OP
Description: Failure to maintain records of daily calibration of continuous monitors and failure to continuously monitor due to failed calibrations.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to report all instances of deviations.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01322 SC 12G OP
 O-01322 SC 1A OP
Description: Failure to submit a required semiannual report.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.354(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to maintain records of weekly pump and flange check.
Date: 02/26/2007 (534486) CN600632848
Self Report? NO **Classification:** Moderate
Citation: 20485 Special Condition 26F PERMIT
 20485 Special Condition 2A PERMIT
 20485 Special Condition 3 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01327 Special Condition 15 OP
Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service at the C4 Plant.
Self Report? NO **Classification:** Moderate
Citation: 20485 Special Condition 12 PERMIT
 20485 Special Condition 3 PERMIT

30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 115, SubChapter B 115.136(a)(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01327 Special Condition 1A OP
 O-1327 Special Condition 15 OP

Description: Failure to continuously collect and maintain operational parameters of any control device required to be installed to meet applicable control requirements required by 30 TAC 115.136(a)(2).

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report all instances of deviations.

Self Report? NO **Classification:** Moderate

Citation: 20485 Special Condition 3 PERMIT
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01327 Special Condition 15 OP

Description: Failure to make the first attempt at repair within five calendar days.

Self Report? NO **Classification:** Moderate

Citation: 20485 Special Condition 35(B) PERMIT
 20485 Special Condition 8(B) PERMIT
 20485 Special Condition 8(C) PERMIT
 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)
 O-01327 Special Condition 15 OP

Description: Failure to maintain emission rates below permitted limits.

Self Report? NO **Classification:** Moderate

Citation: 20485 Special Condition 3 PERMIT
 20485 Special Condition 2A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)(A)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01327 Special Condition 15 OP

Description: Failure to maintain records of flare monitors at the South Flare

Date: 06/27/2007 (543284)

Self Report? NO **Classification:** Moderate

Citation: 19823 Special Condition 20 PERMIT
 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)
 FOP 2288 General Terms and Conditions OP
 FOP 2288 Special Condition 16 OP

Description: Failure to conduct stack sampling or fuel analysis for SO2 emissions as required by Permit 19823 Special Condition 20. EIC B(1) MOD 2(A)

Date: 07/31/2007 (558200)

Self Report? NO **Classification:** Moderate

Citation: 01320 Special Condition 13 OP
 02288 Special Condition 16 OP
 19823 Special Condition 18E PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 36646 Special Condition 8E PERMIT
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5952 Special Condition 21E PERMIT
5972A Special Condition 10 PERMIT
5972A Special Condition 17E PERMIT
5972A Special Condition 7 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed. C10 cannot be picked.

Self Report? NO Classification: Moderate

Citation: 01320 Special Condition 13 OP
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(a)
5972A Special Condition 5A PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to monitor, record and maintain the F-4 Firebox temperature above the permitted limit.

Self Report? NO Classification: Moderate

Citation: 01320 Special Condition 13 OP
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)
5972A Special Condition 4 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records of tank pressure.

Self Report? NO Classification: Moderate

Citation: 01320 Special Condition 13 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5952 Special Condition 12 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to monitor, record and maintain the F-6 Firebox temperature above the permitted limit

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Moderate

Citation: 01320 Special Condition 13 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
36646 Special Condition 12 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records of monthly monitoring.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.144
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records of the daily flare observations.

Self Report? NO Classification: Moderate

Citation: 02288 Special Condition 16 OP
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)

Description: Failure to monitor, NOx, CO and O2 at CG1/UEHK9 and CG2/UEHK10.

Self Report? NO Classification: Moderate

Citation: 02288 Special Condition 16 OP
16909 Special Condition 15I PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records.

Self Report? NO Classification: Moderate

Citation:	02288 Special Condition 16 OP 19823 Special Condition 14A PERMIT 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)		
Description:	Failure to have the cooling tower water sample port installed as required by permit.		
Self Report?	NO	Classification:	Moderate
Citation:	02288 Special Condition 16 OP 16909 Special Condition 12A PERMIT 19823 Special Condition 21D PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.144(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to monitor and maintain records of daily zero and span of continuous monitors.		
Self Report?	NO	Classification:	Moderate
Citation:	02288 Special Condition 16 OP 19823 Special Condition 10 PERMIT 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)		
Description:	Failure to comply with conditions of a permit.		
Self Report?	NO	Classification:	Moderate
Citation:	02288 Special Condition 16 OP 16909 Special Condition 14 PERMIT 30 TAC Chapter 101, SubChapter A 101.20(1) 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)		
Description:	Failure to monitor.		
Self Report?	NO	Classification:	Moderate
Citation:	02288 Special Condition 16 OP 19823 Special Condition 10C PERMIT 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 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)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to operate the flare in a smokeless manner.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to report all instances of deviations.		
Self Report?	NO	Classification:	Moderate
Citation:	02288 Special Condition 1 E OP 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(b)(3) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to maintain the tank opening in a closed position during normal operations on Tank T087.		
Self Report?	NO	Classification:	Moderate
Citation:	02288 Special Condition 16 OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 49247 Special Condition 7 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to maintain emissions rate below the allowable limit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(B) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THC Chapter 382, SubChapter D 382.085(b) General Terms and Conditions OP		
Description:	Failure to submit a semiannual deviation report.		

Self Report? NO Classification: Moderate
 Citation: 01320 Special Condition 15 OP
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to submit an annual permit compliance certification (ACC) report within 30 days of the certification period.
 Date: 09/27/2007 (570470)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.500
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.987(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to limit the frequency of visible smoke emissions from Huntsman's Low Pressure Flare Number (No.) 2.
 Date: 12/17/2007 (597547) CN600632848

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01322 Special Condition 10A OP
 O-01322 Special Condition 1A OP
 Description: Failure to maintain records of daily calibration.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 115, SubChapter C 115.216(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01322 Special Condition 1A OP
 O-01322 Special Condition 6A(vi) OP
 O-01322 Special Condition 7A(v) OP
 Description: Failure to record daily flare observations.
 Date: 07/09/2008 (682286) CN600632848

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(3)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 PERMIT
 Special Condition 13 OP
 Description: Failure to comply with the VOC emissions limits as specified in the confidential section of the permit application of Permit 36646.
 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 THSC Chapter 382 382.085(b)
 Special Condition 13 OP
 Special Condition 13 PERMIT
 Description: Failure to comply with tank throughput limits for tank TG-39 as specified in the confidential section of the permit application for Permit 36646.
 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 THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 13 OP
 Description: Failure to comply with VOC emissions limits of the MAERT for tanks TG-38 and TG-39 (group 20), based on throughput exceedances of tank TG-39.
 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 THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Special Condition 13 OP

Description:	Failure to maintain minimum incinerator firebox temperature at 1737 degrees Fahrenheit in the F6 Unit incinerator.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 13 OP Special Condition 16(E) PERMIT		
Description:	Failure to cap an open-ended line in VOC service.		
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 THSC Chapter 382 382.085(b) Special Condition 13 OP Special Condition 4 PERMIT		
Description:	Failure to maintain minimum incinerator firebox temperature at 1704 degrees Fahrenheit in the F4 Unit incinerator.		
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 THSC Chapter 382 382.085(b) Special Condition 16 OP Special Condition 5 PERMIT		
Description:	Failure to comply with the emissions limits of NOx and CO as specified by SC 5 of Permit 16909.		
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 THSC Chapter 382 382.085(b) Special Condition 16 OP Special Condition 9(A) PERMIT		
Description:	Failure to conduct daily monitoring on CAS connected to tank T-A3-29 on three 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 THSC Chapter 382 382.085(b) Special Condition 16 OP Special Condition 6 PERMIT		
Description:	Failure to maintain accurate railcar cleaning records.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.145(2)(B) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to submit a deviation report in a timely manner for deviations documented on August 14, 2008.		
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 THSC Chapter 382 382.085(b) Special Condition 16 OP Special Condition 4 PERMIT		
Description:	Failure to maintain CO emissions within the allowable limits as stated in SC 4 of the permit.		
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 THSC Chapter 382 382.085(b) Special Condition 16 OP Special Condition 4 PERMIT		
Description:	Failure to maintain NOx emissions within the allowable limits as stated in SC 4 of the permit.		
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 THSC Chapter 382 382.085(b)
 Special Condition 16 OP
 Special Condition 4 PERMIT
Description: Failure to maintain CO emissions in ppmvd within the allowable limits as stated in SC 4 of the permit.

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 THSC Chapter 382 382.085(b)
 Special Condition 12 (A) PERMIT
 Special Condition 16 OP

Description: Failure to maintain NOx emissions in ppmvd within the allowable limits as stated in SC 12(A) of the permit.

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 THSC Chapter 382 382.085(b)
 Special Condition 16 OP
 Special Condition 22 (D) PERMIT

Description: Failure to maintain waste heat boiler CEMS daily calibration records on two occasions.

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 THSC Chapter 382 382.085(b)
 Special Condition 16 OP
 Special Condition 4 PERMIT

Description: Failure to maintain emission of NOx and CO in ppmvd from CG2, below the permitted limits as per SC 4 of Permit 16909.

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 THSC Chapter 382 382.085(b)
 Special Condition 12(b) PERMIT
 Special Condition 16 OP

Description: Failure to conduct daily CEMS calibrations on CG1 CEMS.

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 THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 16 OP

Description: Failure to comply with the emissions limits of the MAERT of Permit 16909 as applicable to Boiler 11.

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 THSC Chapter 382 382.085(b)
 Special Condition 15(l) PERMIT
 Special Condition 16 OP

Description: Failure to maintain Boiler 11 CEMS calibration records.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to report deviations for the reporting period of February 19, 2007 through February 19, 2008 as required by FOP-O-01320; and for the reporting period of February 14, 2007 through February 14, 2008 as required by FOP-O-02288.

Date: 08/26/2008 (700526) CN600632848

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 General terms and Conditions OP

Description: Failure to submit the semi-annual deviation report for FOP-O-02287 for the period of July 20, 2007, through January 20, 2008, in a timely manner.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General terms and Conditions OP
Description: Failure to submit the Annual Compliance Certification report for FOP-O-02287 for the period of January 20, 2007, through January 20, 2008, in a timely manner.

Date: 12/09/2008 (654938)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01320 General Terms and Conditions OP
FOP O-01320 Special Condition 2F OP

Description: Failure to properly report an emissions event. EIC C,3 MIN 3,C

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01320 General Terms and Conditions OP
FOP O-01320 Special Condition 13 OP
NSR Permit 5807A Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. EIC B,13 MOD 2,D

F. Environmental audits.

Notice of Intent Date: 06/28/2004 (347983)

No DOV Associated

Notice of Intent Date: 07/22/2004 (334174)

No DOV Associated

Notice of Intent Date: 11/07/2007 (708722)

No DOV Associated

Notice of Intent Date: 11/16/2007 (611106)

No DOV Associated

Notice of Intent Date: 07/19/2008 (700547)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HUNTSMAN PETROCHEMICAL
CORPORATION
RN100219252

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0041-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Huntsman Petrochemical Corporation ("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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical manufacturing plant at 6001 Highway 366 in Port Neches, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on September 4, 2008 through September 10, 2008, TCEQ staff documented the Respondent:
 - a. Failed to prevent unauthorized emissions for Incident No. 106170. Specifically, 340 pounds ("lbs") of volatile organic compounds ("VOCs") were released into the atmosphere due to the failure to monitor the control valve when it was in manual mode, which led to high pressure gas being sent to the refiner. The emissions event occurred on April 10, 2008 and lasted 42 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222;
 - b. Failed to report an emissions event within the 24-hour timeframe for Incident No. 109142. The final report was due by June 1, 2008, but was not submitted until June 10, 2008;
 - c. Failed to prevent unauthorized emissions for Incident No. 109142. Specifically, 1,061.87 lbs of sulfur dioxide were released into the atmosphere due to the staining of the sight glass on the dimethyl disulfide charge vessel, which resulted in the incorrect amount of sulfur being charged. The emissions event occurred on May 31, 2008 and lasted 22 hours and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222; and
 - d. Failed to prevent unauthorized emissions for Incident No. 108945. Specifically, 29,320 lbs of VOCs were released into the atmosphere from a pressure relief valve when an interlock was not bypassed during maintenance due to ineffective communication and failure to follow procedures. The emissions event occurred on June 6, 2008 and lasted five minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. The Respondent received notice of the violations on December 14, 2008.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a., the Respondent failed to prevent unauthorized emissions for Incident No. 106170, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), Air Permit No. 5952A, Special Condition No. 1 and Federal Operating Permit No. 1320, Special Condition No. 13.

3. As evidenced by Findings of Fact No. 3.b., the Respondent failed to report an emissions event within the 24-hour timeframe for Incident No. 109142, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b) and Federal Operating Permit No. 1320, Special Condition No. 2(f).
4. As evidenced by Findings of Fact No. 3.c., the Respondent failed to prevent unauthorized emissions for Incident No. 109142, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 19823, Special Condition No. 1 and Federal Operating Permit No. 2288, Special Condition No. 16.
5. As evidenced by Findings of Fact No. 3.d., the Respondent failed to prevent unauthorized emissions for Incident No. 108945, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 19823, Special Condition No. 1 and Federal Operating Permit No. 2288, Special Condition No. 16.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Twenty-Eight Thousand Six Hundred Fifteen Dollars (\$28,615) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Fourteen Thousand Three Hundred Eight Dollars (\$14,308) of the administrative penalty. Fourteen Thousand Three Hundred Seven Dollars (\$14,307) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Eight Thousand Six Hundred Fifteen Dollars (\$28,615) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Huntsman Petrochemical Corporation, Docket No. 2009-0041-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 II, Paragraph 7 above, Fourteen Thousand Three Hundred Seven Dollars (\$14,307) 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 provision of the SEP agreement.
3. 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 future emissions events due to the same causes as the emissions events that occurred on April 10, 2008 (Incident No. 106170), May 31, 2008 (Incident No. 109142), and June 6, 2008 (Incident No. 108945); and
 - ii. Implement procedures to ensure timely reporting of emissions events, as required by 30 TEX. ADMIN. CODE § 101.201(a).
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 3.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

7/2/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Huntsman Petrochemical Corporation. I am authorized to agree to the attached Agreed Order on behalf of Huntsman Petrochemical Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Huntsman Petrochemical Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that 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

5-29-09
Date

JORDAN MORGAN
Name (Printed or typed)
Authorized Representative of
Huntsman Petrochemical Corporation

Director of Mfg, PNPP
Title

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

Attachment A
Docket Number: 2009-0041-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Huntsman Petrochemical Corporation
Payable Penalty Amount:	Twenty-Eight Thousand Six Hundred Fifteen Dollars (\$28,615)
SEP Amount:	Fourteen Thousand Three Hundred Seven Dollars (\$14,307)
Type of SEP:	Pre-approved
Third-Party Recipient:	Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

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 there is 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 air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment 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:

The Honorable Judge Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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.

