

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0133-AIR-E **TCEQ ID:** RN100224450 **CASE NO.:** 37078
RESPONDENT NAME: Millennium Petrochemicals Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SI TE WHERE VIOLATION(S) OCCURRED: Millennium Petrochemicals La Porte Plant, 1350 Miller Cut Off Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 14, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. M. D. Wobser, Plant Manager, Millennium Petrochemicals Inc., 1515 Miller Cut Off Road, La Porte, Texas 77571 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input 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: December 22, 2008</p> <p>Date of NOV/NOE Relating to this Case: January 13, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to meet the minimum requirement of 98% destruction removal efficiency ("DRE") or the 20 parts per million volumetric dry ("ppmvd") concentration limit for Hazardous Air Pollutants ("HAP"). Specifically, during a reference method stack test conducted on August 20, 2008, it was determined that HAP emissions from the Vinyl Acetate Monomer ("VAM") Catalytic Oxidizer (Emission Point No. VAMCATOX) were 93% DRE and 29.26 ppmvd [30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS § 63.113(a)(2), New Source Review Permit No. 4751, Special Condition No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$12,450</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>On January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court a voluntary petition for relief under chapter 11 of the Bankruptcy Code.</p> <p>(The \$12,450 penalty due pending the outcome of bankruptcy proceedings.)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on June 18, 2009, a reference method stack test was conducted and determined that HAP emissions from the VAM Catalytic Oxidizer (Emission Point No. VAMCATOX) met the 98% DRE requirement.</p>

Additional ID No(s): HX1726J



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	20-Jan-2009	Screening	26-Jan-2009	EPA Due	26-Jul-2009
	PCW	29-Jul-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Millennium Petrochemicals Inc.
Reg. Ent. Ref. No.	RN100224450
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37078	No. of Violations	1
Docket No.	2009-0133-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	149.0% Enhancement	Subtotals 2, 3, & 7	\$7,450
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Notes
Penalty enhancement due to three previous 1660-style agreed orders, two previous findings orders, five similar NOVs, and twelve non-similar NOVs. Penalty reduction due to ten NOIs.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$445
Approx. Cost of Compliance \$7,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,450
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$12,450
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,450
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$12,450
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Screening Date: 26-Jan-2009

Docket No.: 2009-0133-AIR-E

PCW

Respondent: Millennium Petrochemicals Inc.

Policy Revision 2 (September 2002)

Case ID No.: 37078

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100224450

Media [Statute]: Air

Enf. Coordinator: James Nolan

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)	5	25%
	Other written NOVs	12	24%
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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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)	10	-10%
	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) 149%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to three previous 1660-style agreed orders, two previous findings orders, five similar NOVs, and twelve non-similar NOVs. Penalty reduction due to ten NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 149%

Screening Date 26-Jan-2009	Docket No. 2009-0133-AIR-E	PCW			
Respondent Millennium Petrochemicals Inc.	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 37078	<i>PCW Revision October 30, 2008</i>				
Reg. Ent. Reference No. RN100224450					
Media [Statute] Air					
Enf. Coordinator James Nolan					
Violation Number 1					
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2) and 116.115(c), 40 Code of Federal Regulations § 63.113(a)(2), New Source Review Permit No. 4751 Special Condition 14, Tex. Health & Safety Code § 382.065(b)				
Violation Description	Failed to meet the minimum requirement of 98% destruction removal efficiency ("DRE") of the 20 parts per million volumetric dry ("ppmvd") concentration limit for Hazardous Air Pollutants ("HAP"). Specifically, during a reference method stack test conducted on August 20, 2008, it was determined that HAP emissions from the Vinyl Acetate Monomer ("VAM") Catalytic Oxidizer (Emission Point No. VAMCATOX) were 93% DRE and 29.26 ppmvd.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Percent		25%			
>> Programmatic Matrix					
Falsification			Major	Moderate	Minor
<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%			
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment		\$7,500			
		\$2,500			
Violation Events					
Number of Violation Events		2	Number of violation days		
		117			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input checked="" type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input type="checkbox"/>			
Violation Base Penalty		\$5,000			
Two quarterly events are recommended for the period beginning the date of the stack test (August 20, 2008) and ending the date the VAM Unit was shutdown (December 14, 2008).					
Good Faith Efforts to Comply		0.0% Reduction		\$0	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal		\$5,000			
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		\$445	Violation Final Penalty Total		
		\$12,450			
This violation Final Assessed Penalty (adjusted for limits)		\$12,450			

Economic Benefit Worksheet

Respondent: Millennium Petrochemicals Inc.
Case ID No.: 37078
Reg. Ent. Reference No.: RN100224450
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$4,500	20-Aug-2008	20-Sep-2009	1.08	\$18	\$325	\$342
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,500	20-Aug-2008	18-Jun-2009	0.83	\$103	n/a	\$103
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 for modifications to the VAM Catalytic Oxidizer to achieve the required DRE and to conduct a stack test to certify the DRE is within acceptable levels. Date required is the date of the stack test that failed. Final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$7,000	TOTAL	\$445
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Compliance History Report

Customer/Respondent/Owner-Operator: CN602625402 Millennium Petrochemicals Inc. Classification: AVERAGE Rating: 5.64
 Regulated Entity: RN100224450 MILLENNIUM PETROCHEMICALS LA Classification: AVERAGE Site Rating: 4.21
 PORTE PLANT

ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS WASTEWATER WASTEWATER WASTEWATER INDUSTRIAL AND HAZARDOUS WASTE GENERATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS IHW CORRECTIVE ACTION	ACCOUNT NUMBER PERMIT PERMIT PERMIT PERMIT EPA ID SOLID WASTE REGISTRATION # (SWR) PERMIT PERMIT PERMIT ACCOUNT NUMBER REGISTRATION AFS NUM PERMIT REGISTRATION PERMIT PERMIT PERMIT	HX1726J 1375 WQ0000534000 TPDES0002836 TX0002836 TXD058276130 30049 4751 5040 4773A HX1726J 76037 4820101487 80295 80967 83843 50231
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Location: 1350 MILLER CUT OFF RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 26, 2009

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: James Nolan Phone: (512) 239-6634

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Millennium Petrochemicals Inc.
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: 10/24/2005 ADMINORDER 2005-0053-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: TCEQ AIR PERMIT 4751, SC#5 PERMIT

Description: Millennium failed to prevent the CO2 Oxidizer's emergency vent from opening and releasing unauthorized pollutants.

Classification: Minor

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

Description: Millennium failed to notify the TCEQ Regional Office of a reportable emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5040, Special Condition #1 PERMIT
Description: Millennium failed to maintain a pilot light on the Acetic Acid Flare.

Classification: Moderate

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

Rqmt Prov: Air Quality Permit No. 5040 OP
Description: Failed to prevent unauthorized emissions of 25,180 pounds of carbon monoxide from the Acetic Acid Flare during a January 25, 2005 emissions event

Effective Date: 11/03/2006

ADMINORDER 2006-0477-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #5040, SC #1 PERMIT
Description: Millennium failed to properly prepare for an unplanned maintenance event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Permit No. 5040, Special Condition No. 1 PERMIT
Description: RE failed to meet the emissions limitations in the MAER Table.

Effective Date: 08/10/2007

ADMINORDER 2006-1988-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: TCEQ Permit #4751, SC #5 PERMIT
Description: Millennium failed to prevent unauthorized emissions on December 16, 2005.

Effective Date: 07/03/2008

ADMINORDER 2007-1918-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 4751, SC #6 PERMIT
Description: Failed to prevent a pin-hole leak on a pipe in the Vinyl Acetate Monomer Unit. Specifically, on July 25, 2007, during a 16 minute event, 236 pounds of ethylene were released from a hole in carbon-steel pipe that was corroded by oxygen in air with the presence of moisture trapped under the insulation on the pipe. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

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	03/16/2004	(294413)
2	03/16/2004	(294415)
3	04/16/2004	(294416)
4	05/17/2004	(271842)
5	05/17/2004	(294419)
6	05/25/2004	(270272)

7	06/21/2004	(294421)
8	06/21/2004	(294423)
9	08/20/2004	(351683)
10	08/31/2004	(271438)
11	08/31/2004	(290908)
12	09/16/2004	(351684)
13	10/15/2004	(337886)
14	10/25/2004	(292317)
15	10/29/2004	(351685)
16	11/01/2004	(334136)
17	11/11/2004	(290731)
18	11/17/2004	(351686)
19	12/16/2004	(339733)
20	12/16/2004	(340290)
21	12/27/2004	(351687)
22	12/27/2004	(351688)
23	12/28/2004	(342439)
24	01/04/2005	(343933)
25	01/21/2005	(346375)
26	02/09/2005	(468068)
27	02/23/2005	(381861)
28	02/25/2005	(350765)
29	03/16/2005	(336328)
30	03/16/2005	(371396)
31	03/21/2005	(381662)
32	04/25/2005	(419448)
33	04/25/2005	(419451)
34	05/24/2005	(419449)
35	06/21/2005	(392880)
36	06/23/2005	(419450)
37	07/19/2005	(394171)
38	07/22/2005	(440604)
39	07/27/2005	(400416)
40	08/10/2005	(404193)
41	08/23/2005	(440605)
42	08/25/2005	(405911)
43	08/30/2005	(405287)
44	09/23/2005	(440606)
45	10/26/2005	(468066)
46	11/28/2005	(468067)
47	12/21/2005	(468069)
48	01/23/2006	(468070)
49	02/22/2006	(468064)
50	02/24/2006	(438236)
51	02/24/2006	(451102)
52	02/28/2006	(457031)
53	03/23/2006	(468065)
54	04/24/2006	(497961)
55	04/28/2006	(457893)
56	05/02/2006	(453212)
57	05/03/2006	(463915)
58	05/25/2006	(497962)
59	06/26/2006	(497963)
60	07/24/2006	(481150)
61	08/18/2006	(519975)
62	09/19/2006	(519976)
63	09/19/2006	(519977)
64	11/07/2006	(450812)
65	11/20/2006	(544218)
66	12/07/2006	(531830)
67	12/07/2006	(532388)

68	12/20/2006	(544219)
69	12/29/2006	(535507)
70	01/05/2007	(544220)
71	02/06/2007	(537440)
72	02/20/2007	(544217)
73	03/20/2007	(574833)
74	03/27/2007	(539393)
75	04/16/2007	(531517)
76	04/19/2007	(574834)
77	04/30/2007	(555742)
78	05/17/2007	(574835)
79	06/08/2007	(556983)
80	06/20/2007	(574836)
81	07/19/2007	(574837)
82	07/26/2007	(532485)
83	08/20/2007	(601449)
84	08/24/2007	(532482)
85	09/12/2007	(594292)
86	09/20/2007	(601450)
87	09/20/2007	(601452)
88	10/19/2007	(601451)
89	10/23/2007	(596085)
90	10/26/2007	(531204)
91	11/20/2007	(619371)
92	12/03/2007	(610692)
93	12/11/2007	(610689)
94	12/18/2007	(568753)
95	12/20/2007	(619372)
96	01/29/2008	(613325)
97	02/19/2008	(671862)
98	03/19/2008	(671863)
99	04/10/2008	(671864)
100	04/10/2008	(671865)
101	05/20/2008	(689797)
102	06/16/2008	(670873)
103	06/20/2008	(689798)
104	08/18/2008	(688749)
105	08/19/2008	(710644)
106	09/20/2008	(710545)
107	10/16/2008	(710547)
108	10/20/2008	(710546)
109	01/13/2009	(709743)

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

Date: 08/31/2004 (271438)

Self NO Classification Moderate

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

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

Description: Exceeded permit limits.

Date: 11/03/2004 (334136) CN602625402

Self NO Classification Moderate

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

No. O-01375 SC No. 10 OP

No. O-01375 SC No. 1A OP

Permit No. 5040 SC No. 6A PA

Description: Failure to maintain the water flow above 4 Gallons Per Minute (GPM) as required by the permit to the scrubbers.

Self NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.203(a)(6)(D)

30 TAC Chapter 122, SubChapter B 122.143(4)

No. O-01375 SC No. 1D OP

Description: Failure to maintain records of weekly run time of emergency pumps (PWW5206 and PWW5207) to verify that pumps did not run more than 52 hours during the 12 month

		period.		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C)			
Description:	Failure to report 19 emission events as deviations within 30 days after the end of deviation reporting period.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) No. 5040 SC No. 5 PA No. O-01375 SC No. 10 OP No. O-01375 SC No. 1A OP			
Description:	Failure to maintain the fuel net heating value of the flare (AAFLARE) at 300 Btu/scf or above.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) No. O-01375 SC 1A OP No. O-01375 SC No. 10 OP Permit No. 5040 SC No. 5 PA			
Description:	Fire-eye (thermocouple equivalent device) showed out of range. Therefore flame presence could not be verified for flare (AAFLARE).			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) No. O-01375 SC No. 10 OP No. O-01375 SC No. 1A OP Permit No. 5040 SC No. 6B PA			
Description:	RE failed to maintain the water flow rate 40 GPM to the scrubber AARTSC.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(5)(viii) No. O-01375 SC No. 1A OP			
Description:	RE does not have records of tank inspection to verify that tank (AAV5312) meets the requirements of 40 CFR 63.119(b)(5)(i) through(vii).			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(ii) No. O-01375 SC No. 1A OP			
Description:	RE does not have records of tanks inspections for floating roof tanks (AAV5209 and AAV5210).			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) NO. O-01375 SC NO. 9 OP			
Description:	RE failed to demonstrate compliance with the monitoring requirements for degreaser station.			
Date:	12/16/2004	(340290)	CN602625402	
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)			
Description:	Failed to identify the authorized emissions limits for the individually listed compounds or mixtures of air contaminants.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ AIR PERMIT 40938, GC #8 PERMIT			
Description:	Failed to prevent the loading arm from falling, causing the loading arm to strike a barge which sheared off the 1" bleed valve located on the loading arm.			
Date:	02/25/2005	(350765)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.206(i)			
Description:	Failure to comply with the conditions of 30 TAC 117.206(i).			
Date:	05/31/2005	(419450)		
Self Report?	YES		Classification	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2005 (440605)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2005 (440606)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/11/2006 (451102)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter E 335.112(a)(21) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(b)(2)(i)		
Description:	Subpart CC records were incomplete for emission monitoring level determination,		
Date:	01/11/2006 (438236)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.62 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)		
Description:	Hazardous waste determination was incomplete.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
Description:	NOR was not updated.		
Date:	03/31/2006 (497961)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006 (497963)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2006 (544219)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/26/2007 (532485)	CN602625402	
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) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5040, Special Condition 9E PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 10 OP O-01375, Special Condition 1A OP		
Description:	Failure to equip two open-ended lines with a cap, blind flange, plug or a second valve.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5040, Special Condition 8 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 10 OP		

Description:	Failure to perform a chlorine inspection		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3) 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 1A PERMIT		
Description:	Failure to perform weekly visual pump inspections		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 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 60.482-7(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b) 5040, Special Condition 9F PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 10 OP O-01375, Special Condition 1A OP		
Description:	Failure to monitor valves		
Self Report?	NO	Classification	Moderate
Citation:	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 63.174(d) 5040, Special Condition 9I PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 10 OP O-01375, Special Condition 1A OP		
Description:	Failure to repair fugitive components within required time frame		
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)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5040, Special Condition 1 PERMIT 5040, Special Condition 5 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 10 OP O-01375, Special Condition 1A OP		
Description:	Failure to maintain minimum BTU value in gas flared in the Acetic Acid Flare and exceedance of permitted limit for CO		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5040, Special Condition 1 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 10 OP		
Description:	Failure to prevent unauthorized emissions during the loading of acetic acid railcars		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, General Terms and Conditions OP		
Description:	Failure to include all deviations in the deviation report submitted for the April 1 through September 30, 2005 reporting period		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) O-01375, Special Condition 2F OP		
Description:	Failure to create the final records for 8 recordable emission events within 14 days after discovery of the events		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		

	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5040, Special Condition 1 PERMIT		
	5C THC Chapter 382, SubChapter A 382.085(b)		
	O-01375, Special Condition 10 OP		
Description:	Failure to prevent unauthorized emissions during the loading of an acetic acid barge		
Date:	08/24/2007 (532482)	CN602625402	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) O-2326, Special Condition 3F OP		
Description:	Late creation of final records for emission events		
Self Report?	NO	Classification	Moderate
Citation:	2326, Special Condition 13 OP 2326, Special Condition 1A OP 30 TAC Chapter 115, SubChapter D 115.354(1)(A) 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 115, SubChapter H 115.781(b) 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 60.482-7(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b) 4751, Special Condition 1F PERMIT 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to monitor 27 valves and one process drain		
Self Report?	NO	Classification	Minor
Citation:	2326, Special Condition 13 OP 2326, Special Condition 1A OP 30 TAC Chapter 115, SubChapter D 115.352(9) 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 63.165(d)(2) 4751, Special Condition 1F PERMIT 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to replace failed rupture discs at the earliest opportunity		
Self Report?	NO	Classification	Minor
Citation:	2326, Special Condition 13 OP 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 4751, Special Condition 1E PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-2326, Special Condition 1A OP		
Description:	Failure to equip 13 open-ended lines with a cap, blind flange, plug or a second valve.		
Self Report?	NO	Classification	Moderate
Citation:	2326, Special Condition 2(iv) OP 30 TAC Chapter 115, SubChapter H 115.781(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to monitor connectors in HRVOC service.		
Self Report?	NO	Classification	Moderate
Citation:	2326, Special Condition 13 OP 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Hourly emissions from the Thermal Oxidizing Flare exceeded permitted limits		
Self Report?	NO	Classification	Moderate
Citation:	2326, Special Condition 2(ii) OP 30 TAC Chapter 115, SubChapter H 115.764(a)(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to follow calibration procedures for the HRVOC Cooling Tower Analyzers		

Self Report?	NO	Classification	Moderate
Citation:	2326, Special Condition 13 OP 2326, Special Condition 1A OP 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 A 63.11(b)(6)(ii) 4751, Special Condition 8 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to maintain minimum BTU value in Vinyl Acetate Flare		
Self Report?	NO	Classification	Minor
Citation:	2326, Special Condition 2(ii) OP 30 TAC Chapter 115, SubChapter H 115.725(l)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to continuously monitor a pressure relief valve in HRVOC service		
Self Report?	NO	Classification	Minor
Citation:	2326, Special Condition 10C OP 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to include Catalytic Oxidizer in SSM plan		
Self Report?	NO	Classification	Moderate
Citation:	2326, Special Condition 2(iv) OP 30 TAC Chapter 115, SubChapter H 115.782(b)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Late first repair attempt for leaking fugitive components in HRVOC service		
Self Report?	NO	Classification	Minor
Citation:	2326, Special Condition 1A OP 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to maintain records of leak test data		
Self Report?	NO	Classification	Minor
Citation:	2326, Special Condition 1A OP 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to maintain records of the presence of a pilot flame in the VAM flare		
Self Report?	NO	Classification	Minor
Citation:	2326, General Terms and Conditions OP 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to submit complete deviation report		
Self Report?	NO	Classification	Moderate
Citation:	2326, Special Condition 2(ii) OP 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to perform initial multi-point calibration for the VA flare		
Date:	05/31/2008 (689798)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/16/2008 (670873)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.13(k) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42 II.C.1.d PERMIT		
Description:	Failure to complete manifest exception reports for manifests that were not received back within 45 days with the designation facility's signature.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter Q 335.474 II.B.8 PERMIT		
Description:	Failure to have a Pollution Prevention Plan.		

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) 30 TAC Chapter 335, SubChapter E 335.112(a) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(g)		
Description:	Failure to have a professional engineer tank assessment for hazardous waste tank NOR 038.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) 30 TAC Chapter 335, SubChapter E 335.112(a) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(g)		
Description:	Failure to keep records of the daily hazardous waste tank inspections of NOR 007 and 011 for 21 days.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(4) 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(9) Permit Provision II.B.9 PERMIT		
Description:	Failure to annually certify for waste minimization.		
Date:	07/31/2008 (710544)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 28, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

Notice of Intent Date:	12/16/2004	(347278)
No DOV Associated		
Notice of Intent Date:	01/24/2006	(454399)
No DOV Associated		
Notice of Intent Date:	07/27/2007	(593523)
No DOV Associated		
Notice of Intent Date:	07/30/2007	(593572)
No DOV Associated		
Notice of Intent Date:	08/10/2007	(593537)
No DOV Associated		
Notice of Intent Date:	11/05/2007	(615472)
No DOV Associated		
Notice of Intent Date:	11/05/2007	(615476)
No DOV Associated		
Notice of Intent Date:	11/05/2007	(615479)
No DOV Associated		
Notice of Intent Date:	04/22/2008	(681796)
No DOV Associated		
Notice of Intent Date:	06/23/2008	(688502)
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
MILLENNIUM PETROCHEMICALS
INC.
RN100224450

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0133-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant at 1350 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 18, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. On January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") a voluntary petition for relief under chapter 11 of

the Bankruptcy Code (the "Code"). In re Lyondell Chemical Company, et al., Case No. 09-10023 (REG) (Chapter 11) (Bankr. S.D.N.Y.) (the "Bankruptcy Case"). The automatic stay imposed by the Code (specifically, 11 U.S.C. § 362 (a)) does not apply to the commencement or continuation of an action or a proceeding by a governmental unit to enforce such governmental unit's police and regulatory power, including the enforcement of a judgment other than a money judgment obtained in such action or proceeding, by virtue of the exception provided in 11 U.S.C. § 362 (b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 U.S.C. § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's environmental protection laws, and in seeking to liquidate its damages for such violations, including the assessment of Respondent of the administrative penalty in the amount of Twelve Thousand Four Hundred Fifty Dollars (\$12,450) as provided in Section I, Paragraph 7 and Section IV, Paragraph 1 below. TCEQ shall not seek to collect such penalty except in accordance with applicable Bankruptcy law. The Respondent agrees to stipulate that, in accordance with this Agreed Order, TCEQ shall have an allowed general unsecured claim in the amount of Twelve Thousand Four Hundred Fifty Dollars (\$12,450), which shall be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.

7. An administrative penalty in the amount of Twelve Thousand Four Hundred Fifty Dollars (\$12,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").
8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
9. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that on June 18, 2009, a reference method stack test was conducted and determined that Hazardous Air Pollutants ("HAP") emissions from the VAM Catalytic Oxidizer (Emission Point No. VAMCATOX) met the 98% destruction removal efficiency ("DRE") requirement.
11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to meet the minimum requirement of 98% DRE or the 20 parts per million volumetric dry ("ppmvd") concentration limit for HAP, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS § 63.113(a)(2), New Source Review Permit No. 4751 Special Condition No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 22, 2008. Specifically, during a reference method stack test conducted on August 20, 2008, it was determined that HAP emissions from the VAM Catalytic Oxidizer (Emission Point No. VAMCATOX) were 93% DRE and 29.26 ppmvd.

III. DENIALS

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

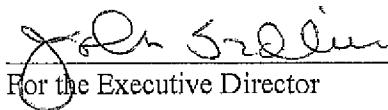
IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ the Respondent be assessed an administrative penalty as set forth in Section I, Paragraph 7 above. The assessment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Subject to the provisions of Section 1, Paragraph 6 above, which are expressly incorporated herein, TCEQ shall have an allowed general unsecured claim in the Respondent's bankruptcy case.
2. 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.
3. 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 11/13/2009

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein.

I also understand that failure to comply with the Ordering Provisions, if any, in this order 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;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

Date 10/9/09

M. D. Wobser

Name (Printed or typed)
Authorized Representative of
Millennium Petrochemicals Inc.

Title Plant Manager

Instructions: Send the original, signed Agreed Order to the Financial Administration Division, Revenues Section.