

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2007-1315-AIR-E **TCEQ ID:** RN100210574 **CASE NO.:** 34415  
**RESPONDENT NAME:** Equistar Chemicals, LP

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Equistar Chemicals Chocolate Bayou Complex, Farm-to-Market Road 2917, 12 miles south of Alvin and 15 miles southeast of Liverpool, Brazoria County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0080-AIR-E and 2009-0480-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 14, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Brian A. Theut, Senior Health, Safety, &amp; Environmental Specialist, Equistar Chemicals, LP, P.O. Box 2917, Alvin, Texas 77512-2917  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 27, July 25, and August 9, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 21, August 4, and August 24, 2007 (NOE)</p> <p><b>Background Facts:</b> These were record review investigations.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Specifically, 24,492 pounds ("lbs") of volatile organic compounds ("VOCs"), 2,389 lbs of nitrogen oxides ("NOx"), and 16,938 lbs of carbon monoxide ("CO") were released into the atmosphere due to high water levels in the surface condenser which caused the safety interlocks to trip the 98C1 Propylene Refrigeration Compressor off-line. The emissions event (Incident No. 91678) began on May 25, 2007 and lasted 19 hours and 46 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense was not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 4634B, Special Condition No. 1].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, 5,121 lbs of benzene, 3,061 lbs of 1,3-butadiene, 11,278 lbs of CO, 44,027 lbs of VOCs, 1,590 lbs of NOx, and 2,650 lbs of toluene were released into the atmosphere due to the loss of two critical pumps which led to multiple furnaces tripping off-line. The emissions event (Incident No. 89615) began on April 12, 2007 and lasted 33 hours and 45 minutes. Since the emissions</p>	<p><b>Total Assessed:</b> \$51,600</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$51,600</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>(Remaining \$51,600 due pending outcome of bankruptcy proceedings)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b>                      Human health and/or environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. With regard to the May 25, 2007 emissions event (Incident No. 91678):</p> <p>i. Replaced the motor and sealed and modified the conduit to prevent water intrusion in the motor, which was completed on May 28, 2007;</p> <p>ii. Repaired the primary turbine and pump, which was completed June 1, 2007; and</p> <p>iii. Modified the pump swap procedures for operations, which was completed on September 12, 2007.</p> <p>b. With regard to the April 12, 2007 emissions event (Incident No. 89615), revised preventative maintenance procedures for the Quench water pumps (92P4-1&amp;2) to include a review of the turbine actuator and stem lock-down nuts by October 15, 2007.</p> <p>c. With regard to the June 30, 2007 emissions event (Incident No. 93586):</p> <p>i. Added a requirement for board operators to place their initials, date, and time on each board operator actionable task defined in the procedure, which was completed on September 1, 2007; and</p> <p>ii. Created a master job plan for equipment cleaning activities that would include an area for operators to place their initials, date, and time each actionable task was completed, which was completed on September 1, 2007.</p> <p>d. With regard to the March 13, 2007 emissions event (Incident No. 88288), in order to allow operators to react more quickly to suspected process leaks into this exchanger system, reprogrammed the cooling tower water analyzer to capture the presence of smaller quantities of Butadiene in the cooling tower water, which was completed on July 31, 2007.</p>

<p>event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 4634B, Special Condition No. 1].</p> <p>3) Failure to prevent unauthorized emissions. During the process of decontaminating the 28D3 distillation column of process liquids, an improper valve line-up allowed natural gas to enter the 320T913 tank and overcome the floating roof seal containment, releasing 1,242 lbs of benzene and 1,732 lbs of VOCs into the atmosphere. The emissions event (Incident No. 93586) began on June 30, 2007 and lasted 80 hours and 45 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 4634B, Special Condition No. 1].</p> <p>4) Failure to prevent unauthorized emissions of 51 lbs of 1,3-butadiene from releasing into the atmosphere on March 13, 2007 over two hours and 35 minutes (Incident No. 88288). Specifically, the hydrocarbon cooling tower is permitted to release 2.34 lbs/hour of VOCs, but during the release, 19.92 lbs/hour were released. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 19558, Special Condition No. 1].</p>		
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Additional ID No(s): BL01131



**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision April 29, 2008

<b>TCEQ</b>						
<b>DATES</b>	Assigned	4-Sep-2007	Screening	10-Sep-2007	EPA Due	21-Apr-2008
	PCW	8-Jul-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN:00210574		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34415	No. of Violations	4	
Docket No.	2007-1315-AIR-E	Order Type	Findings	
Media Program(s)	Air	Enf. Coordinator	Trina Grieco	
Multi-Media		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1:</b>	<b>\$37,500</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	198.0% Enhancement	<b>Subtotals 2, 3, &amp; 7:</b> <b>\$74,250</b>

**Notes:** Penalty enhancement due to 14 NOVs for same or similar violations, ten NOVs for dissimilar violations, two agreed orders containing a denial of liability, and three agreed orders without a denial of liability. Penalty reduction due to five Notice of Audit letters and one Disclosure of Violations submitted.

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

<b>Good Faith Effort to Comply</b>	10.0% Reduction	<b>Subtotal 5:</b>	<b>\$3,750</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)
<b>Notes:</b>	The Respondent completed corrective actions on October 15, 2007.	

	0.0% Enhancement	<b>Subtotal 6:</b>	<b>\$0</b>
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Total EB Amounts	\$268
Approx. Cost of Compliance	\$15,500

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal:</b>	<b>\$108,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment:</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes:**

**Final Penalty Amount** **\$108,000**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty:</b>	<b>\$51,600</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment:</b>	<b>\$0</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$51,600</b>
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Screening Date 10-Sep-2007

Docket No. 2007-1315-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 34415

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100210574

Media [Statute] Air

Enf. Coordinator Trina Grieco

## Compliance History Worksheet

## &gt;&gt; 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)	14	70%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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	3	75%
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)	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)	1	-2%

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) 198%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Penalty enhancement due to 14 NOVs for same or similar violations, ten NOVs for dissimilar violations, two agreed orders containing a denial of liability, and three agreed orders without a denial of liability. Penalty reduction due to five Notice of Audit letters and one Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 198%

**Screening Date:** 10-Sep-2007      **Docket No.:** 2007-1315-AIR-E      **PCW**  
**Respondent:** Equistar Chemicals, LP      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 34415      *PCW Revision April 29, 2008*  
**Reg. Ent. Reference No.:** RN100210574  
**Media [Statute]:** Air  
**Enf. Coordinator:** Trina Grieco  
**Violation Number:** 1

**Rule Cite(s):** 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 4634B, Special Condition No. 1  
**Violation Description:** Failed to prevent unauthorized emissions. Specifically, 24,492 pounds ("lbs") of volatile organic compounds ("VOCs"), 2,389 lbs of nitrogen oxides ("NOx"), and 16,938 lbs of carbon monoxide ("CO") were released into the atmosphere due to high water levels in the surface condenser which caused the safety interlocks to trip the 98C1 Propylene Refrigeration Compressor off-line. The emissions event (Incident No. 91678) began on May 25, 2007 and lasted 19 hours and 46 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense was not met.

**Base Penalty:** \$10,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes:** Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which exceeded levels protective of human health or environmental receptors as a result of the violation.

**Adjustment:** \$0

\$10,000

**Violation Events**

Number of Violation Events: 1      1 Number of violation days

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

**Violation Base Penalty:** \$10,000

One daily event is recommended.

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

**Estimated EB Amount:** \$75      **Violation Final Penalty Total:** \$28,800

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

## Economic Benefit Worksheet

**Respondent:** Equistar Chemicals, LP  
**Case ID No.:** 34415  
**Reg. Ent. Reference No.:** RN100210574  
**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

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				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)	\$5,000	25-May-2007	12-Sep-2007	0.30	\$75	n/a	\$75

**Notes for DELAYED costs:** Estimated cost to ensure that water levels in the 98C1 Propylene Refrigeration Compressor are inspected and monitored properly. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

### 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	\$5,000	<b>TOTAL</b>	\$75
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<b>Screening Date</b>	10-Sep-2007	<b>Docket No.</b>	2007-1315-AIR-E	<b>PCW</b>
<b>Respondent</b>	Equistar Chemicals, LP			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	34415			<i>PCW Revision April 29, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN100210574			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Trina Grieco			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 4634B, Special Condition No. 1			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 5,121 lbs of benzene, 3,061 lbs of 1,3-butadiene, 11,278 lbs of CO, 44,027 lbs of VOCs, 1,590 lbs of NOx, and 2,650 lbs of toluene were released into the atmosphere due to the loss of two critical pumps which led to multiple furnaces tripping off-line. The emissions event (Incident No. 89815) began on April 12, 2007 and lasted 33 hours and 45 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense was not met.			
		<b>Base Penalty</b>	\$10,000	

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		Harm			
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>	x			
	<b>Potential</b>				<b>Percent</b> 100%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

**Matrix Notes**  
Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which exceeded levels protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$0

\$10,000

**Violation Events**

Number of Violation Events  Number of violation days

*mark only one with an x*

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$20,000

Two daily events are recommended.

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

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent Equistar Chemicals, LP  
 Case ID No. 34415  
 Reg. Ent. Reference No. RN100210574  
 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
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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)	\$4,500	12-Apr-2007	15-Oct-2007	0.51	\$115	n/a	\$115

Notes for DELAYED costs

Estimated cost to initiate a program to maintain the Plant's pumps. Date required is the date of the emissions event. Final date is the date corrective actions were 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

\$4,500

**TOTAL**

\$115

<b>Screening Date:</b> 10-Sep-2007	<b>Docket No.:</b> 2007-1315-AIR-E	<b>PCW</b>		
<b>Respondent:</b> Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.:</b> 34415	<i>PCW Revision April 29, 2008</i>			
<b>Reg. Ent. Reference No.:</b> RN100210574				
<b>Media [Statute]:</b> Air				
<b>Enf. Coordinator:</b> Trina Grieco				
<b>Violation Number:</b> 3				
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 4634B, Special Condition No. 1			
<b>Violation Description:</b>	Failed to prevent unauthorized emissions. During the process of decontaminating the 28D3 distillation column of process liquids, an improper valve line-up allowed natural gas to enter the 320T913 tank and overcome the floating roof seal containment, releasing 1,242 lbs of benzene and 1,732 lbs of VOCs into the atmosphere. The emissions event (incident No. 93586) began on June 30, 2007 and lasted 80 hours and 45 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense was not met.			
	<b>Base Penalty:</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	50%	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	0%	
<b>Matrix Notes</b>	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment:</b>	\$5,000		
			\$5,000	
<b>Violation Events</b>				
	<b>Number of Violation Events:</b>	1	<b>Number of violation days:</b> 4	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty:</b> \$5,000	
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One monthly event is recommended.				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount:</b>	\$30	<b>Violation Final Penalty Total:</b>	\$14,400	
		<b>This violation Final Assessed Penalty (adjusted for limits):</b>	\$14,400	

## Economic Benefit Worksheet

**Respondent:** Equistar Chemicals, LP  
**Case ID No:** 34415  
**Reg. Ent. Reference No:** RN100210574  
**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)	\$3,500	30-Jun-2007	1-Sep-2007	0.17	\$30	n/a	\$30

Notes for DELAYED costs

Estimated cost to implement procedures to ensure proper valve line-up. Date required is the date of the emissions event. Final date is the date corrective actions were 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

\$30

**Screening Date** 10-Sep-2007      **Docket No.** 2007-1315-AIR-E      **PCW**  
**Respondent** Equistar Chemicals, LP      *Policy Revision 2 (September 2002)*  
**Case ID No.** 34415      *PCW Revision April 29, 2008*  
**Reg. Ent. Reference No.** RN100210574  
**Media [Statute]** Air  
**Enf. Coordinator** Trina Grieco  
**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 19558, Special Condition No. 1  
**Violation Description** Failed to prevent unauthorized emissions of 51 lbs of 1,3-butadiene from releasing into the atmosphere on March 13, 2007 over two hours and 35 minutes (Incident No. 88288). Specifically, the hydrocarbon cooling tower is permitted to release 2.34 lbs/hour of VOCs, but during the release, 19.92 lbs/hour were released. Since the emissions event was avoidable, the demonstration criteria in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense was not met.  
**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	25%
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events        Number of violation days

*mark only one with an x*

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

One quarterly event is recommended.

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

**Estimated EB Amount** \$48      **Violation Final Penalty Total** \$7,200

**This violation Final Assessed Penalty (adjusted for limits)** \$7,200

## Economic Benefit Worksheet

**Respondent:** Equistar Chemicals, LP  
**Case ID No.:** 34415  
**Reg. Ent. Reference No.:** RN100210574  
**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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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				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)	\$2,500	13-Mar-2007	31-Jul-2007	0.38	\$48	n/a	\$48

Notes for DELAYED costs

Estimated cost to implement procedures to prevent leaks in the hydrocarbon cooling tower (21E2-1). Date required is the date of the release. Final date is the date corrective actions were completed.

### 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

\$2,600

**TOTAL**

\$48

# Compliance History

Customer/Respondent/Owner-Operator:	CN600124705	Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.55
Regulated Entity:	RN100210574	EQUISTAR CHEMICALS CHOCOLATE BAYOU COMPLEX	Classification: AVERAGE	Site Rating: 5.00
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		BL01131
	AIR OPERATING PERMITS	PERMIT		1287
	AIR OPERATING PERMITS	PERMIT		2259
	AIR OPERATING PERMITS	PERMIT		2280
	AIR OPERATING PERMITS	PERMIT		2261
	AIR OPERATING PERMITS	PERMIT		2643
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		5060
	AIR NEW SOURCE PERMITS	PERMIT		12467A
	AIR NEW SOURCE PERMITS	PERMIT		4634B
	AIR NEW SOURCE PERMITS	PERMIT		18423
	AIR NEW SOURCE PERMITS	PERMIT		18708
	AIR NEW SOURCE PERMITS	PERMIT		19480
	AIR NEW SOURCE PERMITS	PERMIT		19558
	AIR NEW SOURCE PERMITS	PERMIT		20993
	AIR NEW SOURCE PERMITS	PERMIT		31081
	AIR NEW SOURCE PERMITS	PERMIT		35470
	AIR NEW SOURCE PERMITS	PERMIT		46084
	AIR NEW SOURCE PERMITS	PERMIT		46418
	AIR NEW SOURCE PERMITS	PERMIT		48203
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		BL01131
	AIR NEW SOURCE PERMITS	PERMIT		52383
	AIR NEW SOURCE PERMITS	PERMIT		52393
	AIR NEW SOURCE PERMITS	PERMIT		52392
	AIR NEW SOURCE PERMITS	REGISTRATION		71973
	AIR NEW SOURCE PERMITS	REGISTRATION		75622
	AIR NEW SOURCE PERMITS	REGISTRATION		75407
	AIR NEW SOURCE PERMITS	REGISTRATION		75391
	AIR NEW SOURCE PERMITS	AFS NUM		4803900048
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX988
	AIR NEW SOURCE PERMITS	REGISTRATION		71671
	AIR NEW SOURCE PERMITS	PERMIT		53893
	AIR NEW SOURCE PERMITS	PERMIT		53896
	AIR NEW SOURCE PERMITS	REGISTRATION		72531
	AIR NEW SOURCE PERMITS	REGISTRATION		73049
	AIR NEW SOURCE PERMITS	REGISTRATION		74126
	AIR NEW SOURCE PERMITS	REGISTRATION		73612
	AIR NEW SOURCE PERMITS	REGISTRATION		74624
	AIR NEW SOURCE PERMITS	REGISTRATION		74627
	AIR NEW SOURCE PERMITS	REGISTRATION		74623
	AIR NEW SOURCE PERMITS	REGISTRATION		76666
	AIR NEW SOURCE PERMITS	REGISTRATION		77178
	AIR NEW SOURCE PERMITS	REGISTRATION		77842
	AIR NEW SOURCE PERMITS	REGISTRATION		78280
	AIR NEW SOURCE PERMITS	REGISTRATION		78395
	AIR NEW SOURCE PERMITS	REGISTRATION		78399
	AIR NEW SOURCE PERMITS	REGISTRATION		78613
	AIR NEW SOURCE PERMITS	REGISTRATION		78775
	AIR NEW SOURCE PERMITS	REGISTRATION		78332
	AIR NEW SOURCE PERMITS	REGISTRATION		79182
	AIR NEW SOURCE PERMITS	REGISTRATION		80551
	AIR NEW SOURCE PERMITS	REGISTRATION		81006
	AIR NEW SOURCE PERMITS	REGISTRATION		81168
	AIR NEW SOURCE PERMITS	REGISTRATION		81170
	AIR NEW SOURCE PERMITS	REGISTRATION		81379
	AIR NEW SOURCE PERMITS	REGISTRATION		82187
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0200493
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD980627137
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		32212
	USED OIL	ID NUMBER		HOU00063
	WATER LICENSING	LICENSE		0200493

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50057  
STORAGE  
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 32212  
(SWR)

Location: FM 2917, 12 MI S OF ALVIN 15 MI SE OF LIVERPOOL, ALVIN, TX, 77512 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 13, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 10, 2002 to September 10, 2007

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

### 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: 11/11/2004 ADMINORDER 2002-0886-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: SC13 PERMIT  
Description: Failed to operate below the maximum liquid flow rate of 12 gallons per minute to the Wet Air Oxidizer (83 exceedances noted between January 2001 and April 9, 2002) and below the maximum benzene by weight concentration of 100 parts per million (6 exceedances noted between March and April 2002).

Classification: Moderate  
Citation: 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: SC1 PERMIT  
Description: Failed to meet VOCs emission limitations of 7.76 tpy as specified in the permit's Maximum Allowable Emission Rate Table ("MAERT"). Emissions from EPN 318Z3 in the Methyl Tertiary Butyl Ether ("MTBE")/Butadiene Unit were 8.75 tpy in 1999 and 8.13 tpy in 2000.

Classification: Moderate  
Citation: 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: SC1 PERMIT  
Description: Failed to meet particulate matter emission limitations of .09 tpy as specified in the permit's MAERT. Emissions from EPN 81H2 MTBE/Butadiene Unit were 0.1 tpy in 1999.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8A PERMIT  
Description: Failed to route the waste gas streams from the pressure relief valve located on the Butadiene column to the flare.

Classification: Moderate

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

Rqmt Prov: SC 3 PERMIT

Description: Failed to monitor the VOCs associated with the outlet cooling tower water samples.

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to monitor and record speciated VOCs associated with the cooling tower water

samples in January and April 2000.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)

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

Description: Failed to conduct quarterly fugitive monitoring of valves 677, 678, 679, 680, and ISA 230 which are subject to HON.

Effective Date: 11/18/2006

ADMINORDER 2006-0495-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 Air Permit #4634B, SC1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

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. 4634B PERMIT

Description: Failure to prevent an avoidable emission event.

Effective Date: 03/19/2007

ADMINORDER 2006-1066-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: Special Conditions No. 1 PERMIT

Description: Failure to comply with permitted emission limits at the F Street Separator (EPN 316S2) and allowing unauthorized emissions at the F Street oily water sewer area. The emission event resulted from the backflow of VOC-laden wastewater from the F Street Separator sump into system piping

Effective Date: 06/29/2007

ADMINORDER 2006-1713-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: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 08/31/2007

ADMINORDER 2007-0039-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 Air Permit No.19553, SC1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event that started on April 20, 2004. Since the emissions event was avoidable, not properly reported, and determined to be excessive, Equistar was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

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

Description: Failed to report the April 20, 2004 emissions event within twenty-four hours after discovery.

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	11/18/2002	(15465)
2	11/20/2002	(15464)
3	11/22/2002	(15462)
4	11/25/2002	(15463)
5	02/07/2003	(7021)
6	05/08/2003	(24581)
7	05/09/2003	(28798)
8	06/09/2003	(9797)
9	06/27/2003	(113049)
10	07/10/2003	(112566)
11	07/10/2003	(113014)
12	07/10/2003	(113045)
13	08/23/2003	(150306)
14	08/29/2003	(27215)
15	08/30/2003	(140878)
16	10/17/2003	(249037)
17	10/17/2003	(249046)
18	05/12/2004	(269260)
19	07/19/2004	(278402)
20	07/23/2004	(250413)
21	10/12/2004	(293360)
22	10/26/2004	(338100)
23	11/04/2004	(339181)
24	11/22/2004	(341169)
25	11/22/2004	(341024)
26	11/22/2004	(341355)
27	11/22/2004	(341236)
28	11/22/2004	(341016)
29	11/22/2004	(341455)
30	11/29/2004	(289697)
31	11/30/2004	(259259)
32	12/28/2004	(344869)
33	12/30/2004	(344993)
34	12/31/2004	(345634)
35	01/07/2005	(344601)
36	01/19/2005	(345344)
37	01/31/2005	(347433)
38	03/15/2005	(371378)
39	03/16/2005	(373784)
40	03/18/2005	(373943)
41	04/14/2005	(377117)
42	05/02/2005	(379552)
43	05/09/2005	(293362)
44	05/19/2005	(371475)
45	06/21/2005	(375806)
46	06/22/2005	(375761)
47	06/22/2005	(375724)
48	07/08/2005	(397149)
49	07/14/2005	(376596)

50	07/25/2005	(400224)
51	08/09/2005	(376612)
52	08/25/2005	(399824)
53	08/31/2005	(418596)
54	08/31/2005	(418729)
55	09/29/2005	(375003)
56	12/01/2005	(437309)
57	12/12/2005	(435274)
58	12/12/2005	(435301)
59	02/16/2006	(454291)
60	02/28/2006	(452437)
61	03/17/2006	(457658)
62	04/26/2006	(459338)
63	05/11/2006	(289782)
64	05/23/2006	(463924)
65	05/30/2006	(466880)
66	06/14/2006	(480490)
67	06/23/2006	(457277)
68	06/29/2006	(484154)
69	06/30/2006	(483594)
70	08/04/2006	(482173)
71	08/16/2006	(484908)
72	08/18/2006	(487675)
73	09/01/2006	(497420)
74	09/11/2006	(480208)
75	09/29/2006	(508950)
76	10/19/2006	(511684)
77	10/31/2006	(516242)
78	11/16/2006	(517613)
79	11/29/2006	(274682)
80	12/05/2006	(518249)
81	01/10/2007	(455112)
82	02/05/2007	(533849)
83	02/14/2007	(532591)
84	02/22/2007	(539187)
85	03/06/2007	(532588)
86	03/09/2007	(497404)
87	03/09/2007	(497419)
88	04/05/2007	(532553)
89	04/11/2007	(555128)
90	05/10/2007	(532583)
91	05/10/2007	(532558)
92	05/14/2007	(557851)
93	05/14/2007	(540652)
94	05/31/2007	(559803)
95	06/28/2007	(560611)
96	06/29/2007	(560739)
97	07/11/2007	(559739)
98	07/26/2007	(567221)
99	07/27/2007	(562772)
100	07/27/2007	(562784)
101	07/27/2007	(562723)
102	07/30/2007	(562873)
103	08/09/2007	(570952)
104	08/10/2007	(562972)
105	08/10/2007	(562866)
106	08/10/2007	(563354)
107	08/13/2007	(565934)
108	08/29/2007	(571670)
109	08/29/2007	(573407)

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

Date:	02/07/2003	(28798)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to submit an initial notification after the discovery of an reportable emissions event.			

Date: 05/08/2003 (24581)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Equistar failed to control propylene emissions during process operations in the Olefins Unit.

Date: 08/29/2003 (27215)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 Description: Equistar failed to notify the commission after discovery of an emissions event.

Date: 08/30/2003 (140878)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Failure to submit an initial notification after the discovery of an reportable emissions event.

Date: 11/22/2004 (341024)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 4634B, S.C. No.1  
 Description: Failure to minimize the emissions with in MAERT.

Date: 11/22/2004 (341355)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(G)  
 Description: Failure to submit the initial notification of the emissions event (Incident #44588) within 24 hours after the start of incident.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 19480, S.C.No.1  
 Description: Failure to prevent the PSV from lifting and causing the release of air pollutants to the atmosphere

Date: 11/22/2004 (341455)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(G)  
 Description: Failure to submit the initial notification of the emissions event (Incident #45190) within 24 hours after the start of incident.

Date: 12/30/2004 (344993)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Permit #4634B, Special Condition #1  
 Description: Failure to control unauthorized emissions.

Date: 12/30/2004 (345344)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to control excess opacity.

Date: 12/31/2004 (345634)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failed to control excess opacity.

Date: 12/12/2005 (435274)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)  
 Rqmt Prov: OP O-02259, SC 1A  
 Description: Failure to equip open-ended lines in HAP service with plugs or caps. The percentage of the open-ended lines in HAP was 3%.  
 Failure to equip open-ended lines in HAP service with plugs or caps.  
 Failure to equip open-ended lines in HAP service with plugs or caps.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(lii)  
 Rqmt Prov: OP O-02259, SC 1A  
 Description: Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor

regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from the benzene wastewater separator (90S4) under NESHAP Subpart FF.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iii) 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to maintain the daily weighted average VOC emission limit of 3.5 lbs VOC/gallon for the coating of miscellaneous metal parts and products in the paint yard on three occasions during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II) 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to conduct the required performance test under 30 TAC 117 within 60 days of the modification to Boiler (391H1).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.219(c)[G] 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to submit a copy of the RATA test reports for boilers (391H1 & 391H2) to the Office of Compliance and Enforcement for testing that was conducted on April 27 & 29, 2004.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	PERMIT NSR 18708, SC 1 OP O-02259, SC 15		
Description:	Failure to maintain the maximum firing rate of 600 MM Btu/hr on the boiler (391H1) during the RATA test conducted on May 5, 2005.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)(2)		
Rqmt Prov:	OP O-02259, SC 1A		
Description:	Failure to perform a five-day first repair attempt on Pump 316P28 in the Utilities Unit.		
Date:	12/12/2005 (435301)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)		
Description:	Failure to monitor 2265 connectors during 1Q of 2004 and 2716 connectors during 3Q of 2004 in the fugitive area of FDISTARO. Failure to monitor 118 connectors during 1Q of 2004, and 915 connectors during 2Q and 3Q of 2004 in the fugitive area of FDISTISO. Failure to monitor six connectors during 2Q of 2004 in the fugi		
Self Report?	NO	Classification:	Moderate
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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
Rqmt Prov:	PERMIT NSR 19480, SC 4E OP O-02260, SC 1A OP O-02260, SC 20		
Description:	Failure to equip five open-ended lines in HAP (hazardous air pollutant) service with plugs or caps in the fugitive area of FDISTISO. The percentage of open-ended line in HAP was 0.2%.		
Self Report?	NO	Classification:	Moderate
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)		
Rqmt Prov:	PERMIT NSR 19480, SC 4E OP O-02260, SC 1A OP O-02260, SC 20		
Description:	Failure to equip four open-ended lines in VOC service with plugs or caps in the fugitive area of FISOPREN.		
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 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)		
Rqmt Prov:	PERMIT NSR 19480, SC 4F OP O-02260, SC 1A OP O-2260, SC 20		

Description: Failure to conduct quarterly monitoring on a valve during 1st quarter and 2nd quarter of 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)

Rqmt Prov: OP O-02260, SC 1A

Description: Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from overhead accumulators (86T1VENT and 86T8VENT) off columns in the Aromatics Unit under HON.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Rqmt Prov: OP O-02260, SC 1A

Description: Failure to monitor two pumps during April, May, and June of 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164[G]

Rqmt Prov: OP O-02260, SC 1A

Description: Failure to meet fugitive emissions standards for Compressors 22C1 and 86C1.

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 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

Rqmt Prov: PERMIT NSR 19480, SC 4F

OP O-02260, SC 1A  
OP O-02260, SC 20

Description: Failure to tag and monitor valves and connectors associated with Compressor 22C1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Rqmt Prov: OP O-02260, SC 1A

Description: Failure to perform a five-day first repair attempt on a valve in the Aromatics/Isoprene Unit.

Date: 02/28/2006 (452437)

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT NSR 19558, SC 2E  
PERMIT NSR 20993, SC 9E  
OP O-02261, SC 1A & 13

Description: Complex failed to equip eight open-ended lines in hazardous air pollutant (HAP) with a plug or cap in the fugitive area BDFUG, and also failed to equip two open-ended lines in HAP with a plug or cap in the fugitive area MTBEFUG.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)

Rqmt Prov: OP O-02261, SC 1A

Description: Bayou Complex failed to submit a required semiannual report by July 23, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Rqmt Prov: OP O-02261, SC 1A

Description: Bayou Complex failed to monitor four pumps during July of 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(c)(1)

Rqmt Prov: OP O-02261, SC 1A

Description: Complex failed to de-inventory the associated tank 320T802 by August 30, 2005 to repair the leaking flange on the associated pump 320P802.

Date: 06/23/2006 (457277)

Self Report? NO Classification: Minor

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)  
OP Title V O-01287, SC 1A

**Rqmt Prov:** OP Title V O-01287, SC 1A  
**Description:** Equistar failed to meet the minimum Btu requirement of 300 Btu/scf on two occasions for the main flare (319Z4).

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, 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:** PERMIT NSR 4634B, SC 19E  
OP Title V O-01287, SC 1A and 14

**Description:** Equistar failed to equip three open-ended lines with caps or plugs.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 118, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** PERMIT NSR 4634B, SC 19E  
OP Title V O-01287, SC 1A and 14

**Description:** Equistar failed to equip one open-ended line with a cap or plug.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 118, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** PERMIT NSR 4634B, SC 19E

**Description:** OP Title V O-01287, SC 1A and 14  
Equistar failed to equip two open-ended lines with caps or plugs.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 118, 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:** PERMIT NSR 4634B, SC 19E  
OP Title V O-01287, SC 1A and 14

**Description:** Equistar failed to equip two open-ended lines with caps or plugs.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter D 115.354(3)  
30 TAC Chapter 122, SubChapter B 122.143(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 63.174(b)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP Title V O-01287, SC 1A

**Description:** Equistar failed to identify and monitor 31 valves, 54 connectors, and one pump for fugitive emissions between March 25, 2005 and April 28, 2005 in the fugitive area FOLEFINS.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 117, SubChapter B 117.219(c)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP Title V O-01287, SC 1A

**Description:** Equistar failed to submit a copy of the relative accuracy test audit (RATA) test reports for Furnaces 91H1-1, 91H1-3, 91H1-7, and 91H1-8 to the Office of Compliance and Enforcement.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 117, SubChapter B 117.213(c)(1)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP Title V O-01287, SC 1A

**Description:** Equistar failed to continuously operate predictive emissions monitoring system (PEMS) to monitor NOx on five occasions.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 117, SubChapter B 117.213(f)(5)(C)(iii)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP Title V O-1287, SC 1A

Description: Equistar failed to perform the required annual PEMS testing on Furnace 91H1-5 within the annual time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-01287, SC 1A

Description: Equistar failed to submit written notifications of RATA tests for Furnaces 91H1-2, 91H1-5, and 91H1-6 within the required time frame.

Self Report? NO Classification: Moderate

Citation: 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)

Rqmt Prov: OP Title V O-01287, SC 1A

Description: Equistar failed to make a first attempt to repair leaks no later than one business day and to repair the leaks no later than seven calendar days after the leaks were detected over 10,000 ppmv for fourteen leaking components.

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 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 4634B, SC 19E  
OP Title V O-01287, SC 1A, 1D, and 14

Description: Equistar failed to equip five open-ended lines with plugs/caps.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)

Rqmt Prov: 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)  
PERMIT NSR 4634B, SC 19H  
OP Title V O-01287, SC 1A and 14

Description: Equistar failed to repair the leak within the required time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-01287, SC 14

Description: Equistar failed to submit a Permit by Rule (PBR) application within ten days of the modification to the main flare (319Z4).

Date: 09/11/2006 (490208)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ Permit No. 4634B

Description: Failure to close a bypass valve which allowed dimethyl sulfide to be routed to the flare.

Date: 10/31/2006 (516242)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ Permit No. 19558, SC #1

Description: Equistar failed to prevent a PSV from lifting during a process transfer.

Date: 11/16/2006 (517613)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 19558, Special Condition No. 1

Description: Failure to prevent a pinhole leak on piping.

Date: 03/06/2007 (532588)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02259, SC 1A

Description: Failure to submit a semiannual NOx Monitoring System Performance report by the 30th day following the end of calendar semiannual period.

Date: 03/09/2007 (497404)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: RE failed to conduct a CEMS or PEMS performance evaluation 60 days after startup of a unit following installation of emissions controls  
 Date: 03/09/2007 (497419)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: The Regulated Entity (RE) failed to conduct a CEMS or PEMS performance evaluation within 60 days after startup of a unit following installation of emissions controls.  
 Date: 04/06/2007 (532553)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-01287, SC 1A  
 Description: Failure to comply with the operational restrictions identified in 30 TAC 117.206 for diesel engines.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(G)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-01287, SC 1A  
 Description: Failure to submit a semiannual NOx Monitoring System Performance report by the 30th day following the end of calendar semiannual period.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-01287, SC 1A  
 Description: PERMIT Permit 4634B, SC 19E  
 Failure to plug/cap all open ended lines.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-01287, SC 1A  
 Description: Failure to observe operational and emissions testing requirements for the diesel engines.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-01287, SC 1A  
 Description: Failure to submit a PBR within 10 days of the modification to authorize the increase in emissions.  
 Date: 05/08/2007 (532583)

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 THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02261  
 PA Permit 19558, SC 2E  
 Description: Failure to plug/cap all open-ended lines.  
 Date: 05/10/2007 (532558)

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 THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02260, SC 1A  
 PERMIT Permit 19480, SC 4E  
 Description: Failure to plug/cap all open-ended lines.

Self Report? NO Classification: Minor  
 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)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02260, SC 1A  
 PERMIT Permit 19480, SC 4H, 4I

Description: Failure to repair a pump seal leak within 15 days.  
Date: 05/17/2007 (557851)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PA TCEQ AIR NSR Permit #19480, SC#1  
Description: Equistar failed to close a PSV bypass valve prior to a startup.

F. Environmental audits.

Notice of Intent Date: 02/09/2005 (371579)  
Disclosure Date: 06/09/2005  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D  
Description: Failure to maintain leak records.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H  
Description: Failure to maintain leak tags.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
Description: Failure to conduct monitoring.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H  
Description: Failure to seal an open ended line.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H  
Description: Failed to make first repair attempt within 5 day of detecting a leak.  
Notice of Intent Date: 02/23/2005 (372354)  
No DOV Associated  
Notice of Intent Date: 11/28/2006 (534468)  
No DOV Associated  
Notice of Intent Date: 07/31/2007 (593638)  
No DOV Associated  
Notice of Intent Date: 08/03/2007 (593644)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EQUISTAR CHEMICALS, LP  
RN100210574

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1315-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 Equistar Chemicals, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 chemical manufacturing plant at Farm-to-Market Road 2917, 12 miles south of Alvin and 15 miles southeast of Liverpool, Brazoria 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 a record review on June 27, 2007, TCEQ staff documented that the Respondent failed to prevent high water levels in the surface condenser which caused the safety interlocks to trip the 98C1 Propylene Refrigeration Compressor off-line, resulting in unauthorized emissions of 24,492 pounds ("lbs") of volatile organic compounds ("VOCs"), 2,389 lbs of nitrogen oxides ("NOx"), and 16,938 lbs of carbon monoxide ("CO"). The emissions event (Incident No. 91678) began on May 25, 2007 and lasted 19 hours and 46 minutes.
4. During a record review on July 25, 2007, TCEQ staff documented that the Respondent failed to control critical pumps which led to multiple furnaces tripping off-line, resulting in unauthorized emissions of 5,121 lbs of benzene, 3,061 lbs of 1,3-butadiene, 11,278 lbs of CO, 44,027 lbs of VOCs, 1,590 lbs of NOx, and 2,650 lbs of toluene. The emissions event (Incident No. 89615) began on April 12, 2007 and lasted 33 hours and 45 minutes.
5. During a record review on August 9, 2007, TCEQ staff documented that the Respondent failed to properly line-up a valve that allowed natural gas to enter the 320T913 tank and overcome the floating roof seal containment, resulting in unauthorized emissions of 1,242 lbs of benzene and 1,732 lbs of VOCs. The emissions event (Incident No. 93586) began on June 30, 2007 and lasted 80 hours and 45 minutes.
6. During a record review on August 9, 2007, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions of 51 lbs of 1,3-butadiene from releasing into the atmosphere on March 13, 2007 over two hours and 35 minutes (Incident No. 88288). Specifically, the hydrocarbon cooling tower is permitted to release 2.34 lbs/hour of VOCs, but during the release, 19.92 lbs/hour were released.
7. The Respondent received notice of the violations on July 26, August 9, and August 29, 2007.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. With regard to the May 25, 2007 emissions event (Incident No. 91678):
    - i. Replaced the motor and sealed and modified the conduit to prevent water intrusion in the motor, which was completed on May 28, 2007;
    - ~~ii. Repaired the primary turbine and pump, which was completed June 1, 2007; and~~
    - iii. Modified the pump swap procedures for operations, which was completed on September 12, 2007.

- b. With regard to the April 12, 2007 emissions event (Incident No. 89615), revised preventative maintenance procedures for the Quench water pumps (92P4-1&2) to include a review of the turbine actuator and stem lock-down nuts by October 15, 2007.
  - c. With regard to the June 30, 2007 emissions event (Incident No. 93586):
    - i. Added a requirement for board operators to place their initials, date, and time on each board operator actionable task defined in the procedure, which was completed on September 1, 2007; and
    - ii. Created a master job plan for equipment cleaning activities that would include an area for operators to place their initials, date, and time each actionable task was completed, which was completed on September 1, 2007.
  - d. With regard to the March 13, 2007 emissions event (Incident No. 88288), in order to allow operators to react more quickly to suspected process leaks into this exchanger system, reprogrammed the cooling tower water analyzer to capture the presence of smaller quantities of Butadiene in the cooling tower water, which was completed on July 31, 2007.
9. 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 (RBG) (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 Fifty-One Thousand Six Hundred Dollars (\$51,600) as provided in Section II, Paragraph 7 and Section III, Paragraph 1 below. TCEQ shall not seek to collect such penalty except in accordance with applicable Bankruptcy law.

## 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, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE

§ 382.085(b) and Air Permit No. 4634B, Special Condition No. 1. The emissions event (Incident No. 91678) began on May 25, 2007 and lasted 19 hours and 46 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 4634B, Special Condition No. 1. The emissions event (Incident No. 89615) began on April 12, 2007 and lasted 33 hours and 45 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 4634B, Special Condition No. 1. The emissions event (Incident 93586) began on June 30, 2007 and lasted 80 hours and 45 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 19558, Special Condition No. 1. The emissions event (Incident No. 88288) began on March 13, 2007 and lasted two hours and 35 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met.
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 Fifty-One Thousand Six Hundred Dollars (\$51,600) 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.

### 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 Fifty-One Thousand Six Hundred Dollars (\$51,600), as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The administrative penalty has been paid in full. The assessment 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.
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. 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.
4. 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.
5. 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.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. 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.

Equistar Chemicals, LP  
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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John S. Miller*  
For the Executive Director

12/8/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Equistar Chemicals, LP. I am authorized to agree to the attached Agreed Order on behalf of Equistar Chemicals LP, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, Equistar Chemicals, LP 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 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.

*D. R. Mothers*  
Signature

10-19-09  
Date

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

*Plant Manager*  
Title

Instructions: Send the original, signed Agreed Order to the Financial Administration Division, Revenues, Attention: Customer Service Office, MC 214, Texas Commission on Environmental Quality, P.O. Box 13088, Austin, Texas 78711-3088