

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2007-1469-IHW-E RN100221662 CASE NO. 34663
RESPONDENT NAME: EQUISTAR CHEMICALS, LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATION(S) OCCURRED: 1501 McKinzie Road, Corpus Christi, Nueces County

TYPE OF OPERATION: chemical manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location (2010-1153-AIR-E).

INTERESTED PARTIES: No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired September 27, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400
TCEQ Enforcement Coordinator: Ms. Miriam Hall, Air Enforcement Section, MC 128, (512) 239-1044
TCEQ Regional Contact: Mr. Brad Genzer, Corpus Christi Regional Office, MC R-14, (361) 825-3106
Respondent: Mr. Randal Tatum, Site Manager, Equistar Chemicals, LP, 1501 McKinzie Road., Corpus Christi, TX 78410
Respondent's Attorney: Ms. Sara M. Burgin, Baker Botts, L.L.P., 1500 San Jacinto Center, 98 San Jacinto Blvd., Ste. 1500, Austin, TX 78701

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint: None</p> <p>Date of Investigation: March 22, 2007</p> <p>Date of NOE: May 31, 2007</p> <p>Background Facts: The EDRP was filed on January 23, 2008. The EDFARP was filed June 19, 2009. Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on July 12, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>IHW:</p> <ol style="list-style-type: none"> Failed to provide a written tank assessment to fulfill the requirements for the design and installation of a new tank and components [30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. § 265.192(a)]. Failed to confirm the proper operation of the cathodic protection system within six months after the initial installation, and annually thereafter, and failed to ensure that the impressed current system is being tested bimonthly [30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. § 265.195(f)(1) and (2)]. Failed to provide secondary containment for a hazardous waste tank [30 TEX. ADMIN. CODE § 335.69 (a)(1)(B) and 40 C.F.R. § 265.193(a)(1)]. 	<p>Total Assessed: \$58,100</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Due to General Revenue: \$58,100</p> <p>Respondent filed for bankruptcy relief in the United States Bankruptcy Court for the Southern District of New York on January 6, 2009. This Order provides that TCEQ shall have an allowed general unsecured claim for the full amount of the assessed administrative penalty, to be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.</p> <p>Compliance History Classifications: <i>Site/RN - Average</i> <i>Person/CN - Average</i></p> <p><u>Note:</u> Agreed Order Docket No. 95-0386-AIR-E was issued on April 26, 1995. The Commission issued an Order to Terminate the Agreed Order on March 13, 2004. The termination order appears in the Compliance History report, but was not included as an enhancement on the Penalty Calculation Worksheet.</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action Taken: The Executive Director recognizes that Respondent submitted a written tank assessment for tank F-2305 on October 10, 2008.</p> <p>Ordering Provisions: Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days: <ol style="list-style-type: none"> Provide a written tank assessment for tank F-2301; and Ensure that the cathodic protection system is designed, installed, and inspected for tank F-2301. Within 60 days, provide secondary containment for tank F-2301. Within 75 days, submit written certification demonstrating compliance.

Compliance History

Customer/Respondent/Owner-Operator: CN600124705 Equistar Chemicals, LP Classification: AVERAGE Rating: 2.92
 Regulated Entity: RN100221662 EQUSTAR CORPUS CHRISTI PLANT Classification: AVERAGE Site Rating: 3.57

ID Number(s):	ACCOUNT NUMBER	PERMIT	REGISTRATION
AIR OPERATING PERMITS	NE0051B	1486	
AIR OPERATING PERMITS	1486		
WASTEWATER	WQ0002075000		
WASTEWATER	TPDES0076996		
WASTEWATER	TX0076996		
AIR NEW SOURCE PERMITS	4682B		
AIR NEW SOURCE PERMITS	6745B		
AIR NEW SOURCE PERMITS	10664A		
AIR NEW SOURCE PERMITS	18358		
AIR NEW SOURCE PERMITS	26401		
AIR NEW SOURCE PERMITS	NE0051B		
AIR NEW SOURCE PERMITS	51781		
AIR NEW SOURCE PERMITS	4835500089		
AIR NEW SOURCE PERMITS	PSDTX761		
AIR NEW SOURCE PERMITS	PSDTX732		
AIR NEW SOURCE PERMITS	78877		
UNDERGROUND INJECTION CONTROL	WDW152		
UNDERGROUND INJECTION CONTROL	WDW153		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	TXD000836445		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31685	
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000836445	
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000836445	
STORMWATER	PERMIT	TXR05L891	
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31685	

Location: 1501 MCKINZIE RD, CORPUS CHRISTI, TX, 78410 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: September 11, 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: Miriam Hall Phone: (512) 239-1044

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 judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/26/1995; **Termination Date:** 03/14/2004 ADMINORDER 95-0386-AIR-E (OUTSIDE OF 5-YEAR RANGE)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085[G]

Description: Failure to prevent emissions of butadiene and other hydrocarbons from a butadiene flare at such a concentration and duration as to cause a nuisance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an upset condition.

Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
 5C THC Chapter 382, SubChapter A 382.0518(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Unpermitted utilization of the butadiene flare.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)[G]
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to make representations for using a butadiene flare system in TNRCC Permit No. R-6745.

Effective Date: 04/13/2007 ADMINORDER 2006-1222-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: General Conditions PERMIT
 Description: Failure to comply with the general condition contained in the permit document. Specifically, Equistar failed to comply with the Maximum Allowable Emissions Rate Table (MAERT) for Emission Point Number 23A, Tank F2009A.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: General Conditions PERMIT
 Description: Failure to comply with the general conditions contained in the permit document. Specifically, Equistar failed to comply with the MAERT on September 20, 2005.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: No. 4682B General Conditions PERMIT
 PSD-TX-761M1 PERMIT
 Description: Failed to prevent the unauthorized release of 73 lbs of benzene from The Benzene Tank, EPN No. 23A, during an emissions event that began on May 1, 2006 and lasted for one hour.

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	09/20/2002	(203307)
2	10/15/2002	(203310)
3	11/22/2002	(203314)
4	12/18/2002	(203318)
5	01/03/2003	(20565)
6	01/17/2003	(203322)
7	01/23/2003	(22010)
8	01/26/2003	(22073)
9	01/26/2003	(22080)
10	02/11/2003	(247330)
11	02/17/2003	(203279)
12	02/26/2003	(25659)
13	02/26/2003	(25668)
14	03/10/2003	(23634)
15	03/11/2003	(24643)
16	03/20/2003	(203283)
17	04/22/2003	(203288)
18	04/24/2003	(27282)
19	05/20/2003	(203292)
20	05/29/2003	(31476)
21	06/11/2003	(28890)
22	06/24/2003	(203304)
23	06/24/2003	(203296)
24	07/17/2003	(203300)
25	08/20/2003	(149175)

26	08/23/2003	(149148)
27	09/19/2003	(314451)
28	10/24/2003	(314454)
29	11/21/2003	(314455)
30	12/08/2003	(255383)
31	12/08/2003	(255391)
32	12/15/2003	(314456)
33	12/23/2003	(258139)
34	01/06/2004	(255527)
35	01/20/2004	(314457)
36	02/23/2004	(314438)
37	02/27/2004	(262634)
38	02/27/2004	(262638)
39	03/19/2004	(314440)
40	03/23/2004	(266070)
41	03/26/2004	(265559)
42	03/26/2004	(265555)
43	04/22/2004	(314441)
44	05/21/2004	(314443)
45	06/21/2004	(314445)
46	06/21/2004	(314449)
47	06/28/2004	(275725)
48	07/14/2004	(274396)
49	07/15/2004	(277896)
50	07/15/2004	(274093)
51	07/15/2004	(278257)
52	07/21/2004	(314447)
53	07/21/2004	(314452)
54	09/23/2004	(359964)
55	10/20/2004	(359961)
56	11/29/2004	(359962)
57	12/09/2004	(359963)
58	12/14/2004	(359960)
59	12/16/2004	(339654)
60	01/14/2005	(345350)
61	02/09/2005	(349203)
62	02/23/2005	(350977)
63	02/23/2005	(350968)
64	03/22/2005	(386284)
65	03/22/2005	(386285)
66	03/22/2005	(372684)
67	03/22/2005	(372663)
68	04/19/2005	(424181)
69	04/25/2005	(424183)
70	06/20/2005	(424182)
71	06/20/2005	(424184)
72	06/30/2005	(397650)
73	07/20/2005	(401021)
74	07/21/2005	(396829)
75	07/27/2005	(399203)
76	07/27/2005	(398968)
77	08/29/2005	(406863)
78	09/23/2005	(444969)
79	09/23/2005	(444970)
80	09/23/2005	(444971)
81	10/08/2005	(433519)
82	10/14/2005	(475936)
83	11/14/2005	(435247)
84	11/18/2005	(436148)
85	12/14/2005	(438818)
86	12/20/2005	(449950)
87	12/27/2005	(475937)
88	01/03/2006	(497005)
89	02/14/2006	(453564)
90	02/14/2006	(453558)
91	02/14/2006	(475935)
92	03/20/2006	(503169)
93	04/20/2006	(503170)

94 05/12/2006 (464792)
 95 05/12/2006 (464782)
 96 05/21/2006 (461856)
 97 05/21/2006 (461850)
 98 05/22/2006 (503171)
 99 06/05/2006 (466665)
 100 06/19/2006 (503172)
 101 06/19/2006 (503173)
 102 06/29/2006 (484695)
 103 07/07/2006 (485712)
 104 08/01/2006 (487607)
 105 08/14/2006 (525519)
 106 08/22/2006 (488431)
 107 09/11/2006 (525523)
 108 09/13/2006 (510579)
 109 09/15/2006 (486877)
 110 09/15/2006 (512148)
 111 09/26/2006 (487967)
 112 10/12/2006 (525520)
 113 10/12/2006 (525521)
 114 10/12/2006 (525522)
 115 10/16/2006 (514019)
 116 10/18/2006 (513459)
 117 10/27/2006 (514855)
 118 11/06/2006 (585378)
 119 11/08/2006 (518139)
 120 12/05/2006 (585379)
 121 12/19/2006 (533724)
 122 01/04/2007 (534598)
 123 01/18/2007 (535899)
 124 01/31/2007 (538736)
 125 02/09/2007 (585371)
 126 02/09/2007 (536898)
 127 02/18/2007 (538362)
 128 02/18/2007 (534352)
 129 03/09/2007 (585372)
 130 04/06/2007 (585373)
 131 04/12/2007 (554052)
 132 04/12/2007 (554059)
 133 05/14/2007 (560090)
 134 05/17/2007 (585374)
 135 05/31/2007 (543205)
 136 06/14/2007 (585375)
 137 07/10/2007 (585376)
 138 08/07/2007 (585377)
 139 08/29/2007 (573523)

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

Date: 02/11/2003 (247330)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 06/11/2003 (28890)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(B)

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

Description: Failure to obtain regulatory authority for, or satisfy all criteria[30 Texas Admin. Code § 101.222(b)] to exempt from compliance limitations, the emissions released from the Olefins Unit during an emissions event on February 14, 2003.

Date: 06/30/2003 (203300)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

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

Date: 08/31/2003 (314451)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2003 (314457)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 01/06/2004 (255527)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to create a complete final record for an excess emissions event within the time allotted by rule.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
Rqmt Prov: PA 4682B
Description: Failure to obtain regulatory authority or meet the demonstration requirements of § 101.222 for emissions resulting from an emissions event which occurred on October 17, 2003.
Date: 05/31/2004 (314445)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2004 (359963)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2005 (359960)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/25/2005 (396829)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP Effluent Limitations
Description: Failure to comply with self-monitored effluent quality limitations.
Date: 01/03/2006 (497005)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 08/21/2006 (488431)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(a)
Rqmt Prov: PERMIT Special Condition 3
PERMIT Special Conditions 24(VHAP) and 25(VOC)
Description: Failure to equip open-ended lines with a cap, blind, plug or a secondary valve.
Date: 08/30/2007 (573523)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(g)(4)
Rqmt Prov: PERMIT Permit No. 6745B, Special Condition 3E
Description: Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. Specifically, open-ended lines identified in Company Event Nos.: 37296, 39205 and 40015 were not equipped with a cap, blind flange, plug or a second valve as required. A total of 5 open-ended lines for all events combined were found not to have been equipped with a plug, cap, blind flange or second valve.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.520

Rqmt Prov: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)
PERMIT Permit No. 4682B/PSD-TX-761, SC24 & 25
Failure to conduct monthly monitoring as required by state permit and federal rule.
Specifically, six pumps identified in Company Event No.: 37265 were not monitored
monthly in accordance with reference method 21. 40 CFR § 63.1023(b) Subpart UU,
National Emission Standards For Equipment Leaks: Control Level 2 Standards and
TCEQ Air Permit No. 4682B, Special Condition Nos. 24 and 25 are applicable to
company event no. 37265.

F. Environmental audits.

Notice of Intent Date: 11/28/2006 (534480)
No DOV Associated

Notice of Intent Date: 07/30/2007 (593607)
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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned	11-Jun-2007	Screening	18-Sep-2007	EPA Due	
	PCW	21-Dec-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN100221662		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34663	No. of Violations	3
Docket No.	2007-1469-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Dana Shuler
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$40,000
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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	44% Enhancement	Subtotals 2, 3, & 7	\$17,600
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Notes: The Respondent received thirteen NOV's without same or similar violations, one order, and submitted two notices of intent to audit.

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

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

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

0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,506	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$12,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$57,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1%	Adjustment	\$500
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Recommended adjustment to capture the avoided cost associated with violation no. 2.

Final Penalty Amount	\$58,100
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$58,100
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DEFERRAL	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	\$58,100
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Screening Date 18-Sep-2007

Docket No. 2007-1469-IHW-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 34663

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100221662

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Dana Shuler

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 44%

>> **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

The Respondent received thirteen NOVs without same or similar violations, one order, and submitted two notices of intent to audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 44%

Screening Date 18-Sep-2007

Docket No. 2007-1469-IHW-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 34663

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100221662

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Dana Shuler

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 Code of Federal Regulations § 265.192(a)

Violation Description Failed to provide a written tank assessment to fulfill the requirements for the design and installation of a new tank and components. Specifically, the tank assessment for tank F-2301 did not include the following information: design standards according to which the tank and ancillary equipment was constructed, hazardous characteristics of the waste to be handled, or a determination by a corrosion expert for the tank system. Also, a written tank assessment was not provided for tank F-2305.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 158

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

Two single events are recommended (one event per tank).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$112

Violation Final Penalty Total \$7,263

This violation Final Assessed Penalty (adjusted for limits) \$7,263

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 34663
Req. Ent. Reference No. RN100221662
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	22-Mar-2007	5-May-2008	1.1	\$112	n/a	\$112

Notes for DELAYED costs

Estimated cost to provide adequate written tank assessments for tanks F-2301 and F-2305. Date Required is the investigation date the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$112

Screening Date 18-Sep-2007 **Docket No.** 2007-1469-IHW-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 2 (September 2002)*
Case ID No. 34663 *PCW Revision April 26, 2007*
Reg. Ent. Reference No. RN100221662
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Dana Shuler

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 Code of Federal Regulations § 265.195(f)(1) and (2)
Violation Description Failed to confirm the proper operation of the cathodic protection system within six months after the initial installation, and annually thereafter; and failure to ensure that the impressed current system is being tested bimonthly. Specifically, the proper operation of the cathodic protection system for tank F-2301 was not confirmed within six months after it was initially installed and annual inspections were not being performed. Also, bimonthly testing of the impressed system had not been performed since 2005.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Two quarterly events are recommended from the March 22, 2007 investigation date to the September 18, 2007 screening date.

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. 34663
Req. Ent. Reference No. RN100221662
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$500	22-Mar-2006	22-Mar-2007	1.9	\$48	\$500	\$548

Notes for AVOIDED costs

Estimated cost to inspect and test cathodic protection system for tank F-2301. Date Required is one year prior to the investigation date and the Final Date is the date of the investigation.

Approx. Cost of Compliance \$500

TOTAL \$548

Screening Date 18-Sep-2007 **Docket No.** 2007-1469-IHW-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 2 (September 2002)*
Case ID No. 34663 *PCW Revision April 26, 2007*
Reg. Ent. Reference No. RN100221662
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Dana Shuler

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 Code of Federal Regulations § 265.193(a)(1)

Violation Description Failed to provide secondary containment for a hazardous waste tank. Specifically, secondary containment was not provided for tank F-2301.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				50%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health and environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 6 158 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Six monthly events are recommended from the March 22, 2007 investigation date to the September 18, 2007 screening date.

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

Estimated EB Amount \$846 **Violation Final Penalty Total** \$43,575

This violation Final Assessed Penalty (adjusted for limits) \$43,575

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 34663
Req. Ent. Reference No. RN100221662
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	22-Mar-2007	5-Jun-2008	1.2	\$40	\$805	\$846
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide secondary containment for tank F-2301. Date Required is the investigation date and Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$846
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP;
RN100221662**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1469-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Equistar Chemicals, LP ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Sara M. Burgin of the law firm of Baker Botts, L.L.P., appear before the Commission and together stipulate that:

1. Respondent owns and operates a chemical manufacturing plant located at 1501 McKinzie Road, Corpus Christi, Nueces County, Texas (the "Facility"). The Facility involves the management and/or the disposal of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. On January 6, 2009, 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 fifty-eight thousand one hundred dollars (\$58,100.00) as provided in Section I, Paragraph 6 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 fifty-eight thousand one hundred dollars (\$58,100.00), which shall be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.

6. An administrative penalty in the amount of fifty-eight thousand one hundred dollars (\$58,100.00) is assessed by the Commission in settlement of the violations alleged in Allegations.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Respondent submitted a written tank assessment for tank F-2305 in accordance with 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. § 265.192(a) on October 10, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on March 22, 2007, a TCEQ Corpus Christi Regional Office investigator documented that Respondent violated:
 - a. 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R § 265.192(a) by failing to provide a written tank assessment to fulfill the requirements for the design and installation of a new tank and components. Specifically, the tank assessment for tank F-2301 did not include the following information: design standards according to which the tank and ancillary equipment was constructed, hazardous characteristics of the waste to be handled, or a determination by a corrosion expert for the tank system. Also, a written tank assessment was not provided for tank F-2305.

- b. 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. § 265.195(f)(1) and (2) by failing to confirm the proper operation of the cathodic protection system within six months after the initial installation, and annually thereafter; and failing to ensure that the impressed current system is being tested bimonthly. Specifically, the proper operation of the cathodic protection system for tank F-2301 was not confirmed within six months after it was initially installed and annual inspections were not being performed. Also, bimonthly testing of the impressed system had not been performed since 2005.
 - c. 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. § 265.193(a)(1) by failing to provide secondary containment for a hazardous waste tank. Specifically, secondary containment was not provided for tank F-2301.
2. Respondent received notice of the violations on or about June 5, 2007.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent be assessed an administrative penalty as set forth in Section I, Paragraph 6, above, for violations of state statutes and rules of the TCEQ. 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 considering or requiring corrective action or penalties for violations which are not raised here. Subject to the provisions of Section I, Paragraph 5 above, which are expressly incorporated herein, TCEQ shall have an allowed general unsecured claim in the Respondent's bankruptcy case.
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Provide written tank assessment for tank F-2301, in accordance with 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. § 265.192(a); and
 - ii. Ensure that the cathodic protection system is designed, installed, and inspected for tank F-2301, in accordance with 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. §§ 265.195(f) and 265.192(f).
 - b. Within 60 days after the effective date of this Agreed Order, Respondent shall provide secondary containment for tank F-2301, in accordance with TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. § 265.193(a)(1).
 - c. Within 75 days after the effective date of this Agreed Order, Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a.i., 2.a.ii., and 2.b. The certification shall be

notarized by a State of Texas Notary Public and include the following certification language:

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

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and

Brad Genzer, Waste Section Manager
Texas Commission on Environmental Quality
Corpus Christi Regional Office
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

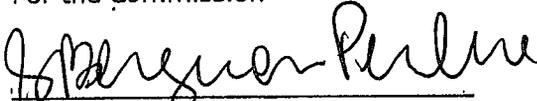
Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

8/27/2010

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 in this order may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature

7-12-2010

Date

RANDAL TATUM

Name (Printed or typed)

SITE MANAGER

Title

Authorized representative of
Equistar Chemicals, LP