

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-0080-AIR-E **TCEQ ID:** RN100210574 **CASE NO.:** 35212  
**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"/> IMMEDIATE 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 three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1315-AIR-E, 2009-0480-AIR-E, and 2009-1896-IHW-B.</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 February 1, 2010. 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. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Douglas R. Mathera, Plant Manager, Equistar Chemicals, LP, 5761 Underwood Road, Pasadena, Texas 77507  <b>Respondent's Attorney:</b> Ms. Jennifer Keane, Attorney, Baker Botts L.L.P., 1500 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701</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> July 19, 2007, January 3, 2008, and January 7, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 4, 2008, January 30, 2008, and February 29, 2008 (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 during Incident No. 101603. Specifically, on December 20, 2007, an electrical switch failed and the following unauthorized emissions were released from the Olefins Main Flare, the Sour Gas Flare, and the Nine Furnaces over a period of 44 hours and five minutes: 2,748.7 pounds ("lbs") of carbon monoxide ("CO"), 2,293.2 lbs of propylene, 2,121.8 lbs of ethylene, 559.4 lbs of ethane, 491.5 lbs of butenes, 445.8 lbs of benzene, 364 lbs of butadiene, 362.3 lbs of pentane, 336.5 lbs of nitrogen oxides ("NOx"), 228.8 lbs of toluene, 193.1 lbs of hexane, 82.2 lbs of propane, 74.8 lbs of xylene, 57.8 lbs of butane, 53 lbs of heptane, 50.4 of other volatile organic compounds ("VOCs"), 30 lbs of styrene, 11.3 lbs of acetylene, and 100% opacity.</p> <p>Since unauthorized emissions and the duration of the emissions event were not minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c), 111.111(a)(4), and (a)(1)(C), Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$50,000</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 (Due) to General Revenue:</b></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 \$50,000 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>                      This case involves emissions which were deemed excessive. Screen3 Modeling indicated fence line ambient air concentrations of 1-3, butadiene, benzene, butane, and propylene that would exceed TCEQ Effects Screening Levels.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:</p> <p>a. In accordance with the TCEQ approved Corrective Action Plan that was submitted in response to the June 7, 2007 excessive emissions event (Incident No. 92246):</p> <p>i. Completed testing and replacement of the power distribution cards in the boiler controls on November 29, 2007;</p> <p>ii. Revised the facility steam curtailment procedures on November 30, 2007;</p> <p>iii. Tagged pilots on the flare on July 26, 2006 to prevent operators from attempting to light out of service pilots;</p> <p>iv. Revised the weekly safety check sheet on July 26, 2007 to include the task of draining the low point collection drain line on the pilot gas line; and</p> <p>v. Cleaned the pilot ignition system on October 5, 2007 as a result of diagnostic testing.</p> <p>b. The Olefins Main Flare, the Sour Gas Flare, and the Nine Furnaces cited in this Agreed Order were shut down by the Respondent in February 2009, and Air Permit No. 4634B has been amended to remove them from the permit.</p>

<p>2) Failure to prevent unauthorized emissions during Incident No. 99942. Specifically, on November 13, 2007, a reactor interlock tripped and the following unauthorized emissions were released from the Olefins Main Flare over a period of six hours and 20 minutes: 2,744.27 lbs of ethylene, 2,705.4 lbs of CO, 468.2 lbs of NOx, 28 lbs of n-pentane, 12.64 lbs of butene, 11.2 lbs of propylene, 3.9 lbs of 1-3, butadiene, 0.8 lbs of n-butane, 0.4 lbs of propane, and 0.2 lbs of butane. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions and maintain a flame on the Olefins Main Flare during Incident No. 92246. Specifically, on June 7, 2007, a power distribution card failed and released the following unauthorized emissions from the Olefins Main Flare over a period of 29 hours and 24 minutes: 30,955.3 lbs of propylene, 6,197 lbs of CO, 3,852.7 lbs of 1-3, butadiene, 3,600.1 lbs of ethylene, 1,571.7 lbs of propane, 1,445.9 lbs of benzene, 1,372.8 lbs of butene, 1,097.4 lbs of pentane, 817 lbs of NOx, 807 lbs of toluene, 787.6 lbs of butane, 601 lbs of hexane, 285.1 lbs of isobutane, 267.5 lbs of xylene, 177.8 lbs of heptane, 108.2 lbs of styrene, 100.3 lbs of nonane, 59 lbs of octane, 26.4 lbs of acetylene, and 23.8 lbs of other VOCs. Since the emissions event could have been avoided through better operational practices, was excessive, and unauthorized emissions were not minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 4634B, Special Condition Nos. 1 and 10, Standard Permit Registration No. 81006, 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
---	--	--

Additional ID No(s): BL01131





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	3-Mar-2008	Screening	12-Mar-2008	EPA Due	30-Sep-2008
	PCW	15-Jun-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN100210574		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35212	No. of Violations	3	
Docket No.	2008-0080-AIR-E	Order Type	Findings	
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales	
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>\$30,000</b>
---	-------------------	-----------------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	308.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$92,400</b>
---------------------------	--------------------	--------------------------------	-----------------

**Notes**  
Penalty enhancement due to 18 Notices of Violations ("NOVs") for the same or similar violations; 10 NOVs for unrelated violations, three agreed orders containing a denial of liability and four agreed orders without a denial of liability, one court order and one federal order with a denial of liability. Penalty reduction due to 12 Notices of Intended Audits and five Disclosures of Violation.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	------------------	-------------------	------------

**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0.0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
------------------------------------	----------------	-------------------	------------

	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.

	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$2,598	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$39,000		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$122,400</b>
-----------------------------	-----------------------	------------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
---	------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$122,400**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$50,000</b>
-----------------------------------	-------------------------------	-----------------

<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
-----------------	----------------	-------------------	------------

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>\$50,000</b>
------------------------	-----------------

**Screening Date:** 12-Mar-2008

**Docket No.:** 2008-0080-AIR-E

**PCW**

**Respondent:** Equistar Chemicals, LP

Policy Revision 2 (September 2002)

**Case ID No.:** 35212

PCW Revision October 30, 2008

**Reg. Ent. Reference No.:** RN100210574

**Media [Statute]:** Air

**Enf. Coordinator:** Kimberly Morales

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	18	90%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	2	60%
	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)	12	-12%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	5	-10%

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)** 308%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to 18 Notices of Violations ("NOVs") for the same or similar violations, 10 NOVs for unrelated violations, three agreed orders containing a denial of liability and four agreed orders without a denial of liability, one court order and one federal order with a denial of liability. Penalty reduction due to 12 Notices of Intended Audits and five Disclosures of Violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 308%

<b>Screening Date</b>	12-Mar-2008	<b>Docket No.</b>	2008-0080-AIR-E	<b>PCW</b>
<b>Respondent</b>	Equistar Chemicals, LP	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35212	<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN100210574			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Kimberly Morales			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c), 111.111(a)(4), and (a)(1)(C), Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, and Tex. Health & Safety Code § 382.085(b)
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 2,748.7 pounds ("lbs") of carbon monoxide ("CO"), 2,293.2 lbs of propylene, 2,121.8 lbs of ethylene, 559.4 lbs of ethane, 491.5 lbs of butenes, 445.8 lbs of benzene, 364 lbs of 1-3, butadiene, 362.3 lbs of pentane, 336.5 lbs of nitrogen oxides ("NOx"), 228.8 lbs of toluene, 193.1 lbs of hexane, 82.2 lbs of propane, 74.8 lbs of xylene, 57.8 lbs of butane, 53 lbs of heptane, 50.4 lbs of other volatile organic compounds ("VOCs"), 30 lbs of styrene, 11.3 lbs of acetylene, and 100% opacity were released from the Olefins Main Flare, the Sour Gas Flare, and the Nine Furnaces during an emissions event that began on December 20, 2007 and lasted 44 hours and five minutes when an electrical switch failed (Incident No. 101603). Since unauthorized emissions and the duration of the emissions event were not minimized, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.
<b>Base Penalty</b>	\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			<b>Percent</b>	
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	<b>Actual</b>		x		
	<b>Potential</b>			50%	

>> Programmatic Matrix

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

**Matrix Notes** The Houston-Galveston-Brazoria ozone non-attainment area has been exposed to a significant amount of pollutants that did not exceed protective levels as a result of the violation.

**Adjustment** \$5,000

\$5,000

Violation Events

<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	2
<i>mark only one with an x</i>	daily		<b>Violation Base Penalty</b>
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		\$5,000

One monthly event is recommended for the event that began on December 20, 2007.

Economic Benefit (EB) for this violation      Statutory Limit Test

<b>Estimated EB Amount</b>	\$1,003	<b>Violation Final Penalty Total</b>	\$20,400
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$20,000	

## Economic Benefit Worksheet

**Respondent:** Equilstar Chemicals, LP  
**Case ID No.:** 35212  
**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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$12,000	20-Dec-2007	28-Feb-2009	1.19	\$48	\$956	\$1,003
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to implement measures designed to minimize the duration and amount of unauthorized emissions during emissions events caused by electrical switch failure. The date required is based on the date of the emissions event. The final date is based on the date the Respondent shut down the Olefins Main Flare, the Sour Gas Flare, and the Nine Furnaces.

### 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

	\$12,000	<b>TOTAL</b>	\$1,003
--	----------	--------------	---------

**Screening Date:** 12-Mar-2008      **Docket No.:** 2008-0080-AIR-E      **PCW**  
**Respondent:** Equistar Chemicals, LP      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 35212      *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.:** RN100210574  
**Media [Statute]:** Air  
**Enf. Coordinator:** Kimberly Morales

**Violation Number:** 2  
**Rule Cite(s):** 30 Tex. Admin. Code § 116.115(c), Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description:** Failed to prevent unauthorized emissions. Specifically, 2,705.4 lbs of CO, 2,744.27 lbs of ethylene, 468.2 lbs of NOx, 28 lbs of n-pentane, 12.64 lbs of butene, 11.2 lbs of propylene, 3.9 lbs of 1-3, butadiene, 0.8 lbs of n-butane, 0.4 lbs of propane, and 0.2 lbs of butane were released from the Olefins Main Flare during an emissions event that began on November 13, 2007 and lasted six hours and 20 minutes when a reactor interlock tripped (Incident No. 99942). Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes:** The Houston-Galveston-Brazoria ozone non-attainment area has been exposed to a significant amount of pollutants that did not exceed protective levels as a result of the violation.

**Adjustment** \$5,000

\$5,000

**Violation Events**

Number of Violation Events: 1      Number of violation days: 1

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

**Violation Base Penalty** \$5,000

One monthly event is recommended for the November 13, 2007 emissions event.

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

**Estimated EB Amount** \$1,089      **Violation Final Penalty Total** \$20,400

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

### Economic Benefit Worksheet

**Respondent:** Equistar Chemicals, LP  
**Case ID No.:** 35212  
**Reg. Ent. Reference No.:** RN100210674  
**Media:** Air  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$12,000	13-Nov-2007	28-Feb-2009	1.30	\$52	\$1,037	\$1,089
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by a reactor interlock trip. The date required is based on the date of the emissions event. The final date is based on the date the Respondent shut down the Olefins Main Flare.

**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	\$12,000	<b>TOTAL</b>	\$1,089
----------------------------	----------	--------------	---------

<b>Screening Date</b>	12-Mar-2008	<b>Docket No.</b>	2008-0080-AIR-E	<b>PCW</b>
<b>Respondent</b>	Equistar Chemicals, LP	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	35212	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN100210574			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Kimberly Morales			
<b>Violation Number</b>	3			

**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), Air Permit No. 4634B, Special Condition Nos. 1 and 10, Standard Permit Registration No. 81006, 40 Code of Federal Regulations § 60.18(c)(2), and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions and maintain a flame on the Olefins Main Flare. Specifically, 30,955.3 lbs of propylene, 6,197 lbs of CO, 3,852.7 lbs of 1-3-butadiene, 3,600.1 lbs of ethylene, 1,571.7 lbs of propane, 1,445.9 lbs of benzene, 1,372.8 lbs of butene, 1,097.4 lbs of pentane, 817 lbs of NOx, 807 lbs of toluene, 787.6 lbs butane, 601 lbs of hexane, 285.1 lbs of isobutane, 267.5 lbs of xylene, 177.8 lbs of heptane, 108.2 lbs of styrene, 100.3 lbs of nonane, 59 lbs of octane, 26.4 lbs of acetylene, and 23.8 lbs of other VOCs were released from the Olefins Main Flare during an emissions event that began on June 7, 2007 and lasted 29 hours and 24 minutes when a power distribution card failed (Incident No. 92246). In addition, a flame was not maintained for 75 minutes during the emissions event. Since the emissions event could have been avoided through better operational practices, was excessive, and unauthorized emissions were not minimized, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were 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** The Houston-Galveston-Brazoria ozone non-attainment area has been exposed to an excessive amount of pollutants that exceeded protective levels. Specifically, Screen3 Modeling indicated fence line ambient air concentrations of 1-3, butadiene, benzene, butane, and propylene that would exceed TCEQ Effects Screening Levels.

**Adjustment** \$0

\$10,000

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

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

Two daily events are recommended for the event that began on June 7, 2007.

**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.:** 35212  
**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
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$15,000	7-Jun-2007	30-Nov-2007	0.48	\$24	\$482	\$506
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to test and replace the power distribution cards, revise the facility steam curtailment procedures, tag pilots that are not in good working order as out of service, drain accumulated condensate from the low point collection drain line on the pilot gas lines, and to clean the manual ignition system on the flare. The date required is based on the date of the emissions event. The final date is based on the date the 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

\$15,000

**TOTAL:**

\$506

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124705 Equistar Chemicals, LP	Classification: AVERAGE	Rating: 3.00
Regulated Entity:	RN100210574 EQUISTAR CHEMICALS CHOCOLATE BAYOU COMPLEX	Classification: AVERAGE	Site Rating: 7.60

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0113I
	AIR OPERATING PERMITS	PERMIT	1287
	AIR OPERATING PERMITS	PERMIT	2260
	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	48203
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0113I
	AIR NEW SOURCE PERMITS	REGISTRATION	71973
	AIR NEW SOURCE PERMITS	PERMIT	52383
	AIR NEW SOURCE PERMITS	PERMIT	52392
	AIR NEW SOURCE PERMITS	AFS NUM	4803900048
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX988
	AIR NEW SOURCE PERMITS	PERMIT	53893
	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	77176
	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	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
AIR NEW SOURCE PERMITS	REGISTRATION	85182
AIR NEW SOURCE PERMITS	REGISTRATION	84559
AIR NEW SOURCE PERMITS	REGISTRATION	87706
AIR NEW SOURCE PERMITS	REGISTRATION	85065
AIR NEW SOURCE PERMITS	REGISTRATION	83415
AIR NEW SOURCE PERMITS	REGISTRATION	82976
AIR NEW SOURCE PERMITS	PERMIT	83777
AIR NEW SOURCE PERMITS	REGISTRATION	82916
AIR NEW SOURCE PERMITS	REGISTRATION	84428
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 STORAGE	PERMIT	39011
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	32212

Location: FM 2917 12 MI S OF ALVIN 15 MI SE OF LIVERPOOL

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 15, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 15, 2004 to June 15, 2009

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

Name: Kimberly Morales Phone: (713) 422-8938

### 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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Equistar Chemicals, LP

4. If Yes, who was/were the prior owner(s)/operator(s) ? Millennium Petrochemicals GP LLC

5. When did the change(s) in owner or operator occur? 12/31/2004

6. Rating Date: 9/1/2008 Repeat Violator: NO

**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: 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)  
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)  
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)  
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)  
Rqmt Prov: TCEQ Air Permit No.19558, 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.

Effective Date: 09/21/2007 ADMINORDER 2007-0132-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: Special Condition No. 1 PERMIT  
Description: As evidenced by Findings of Fact No. 3, Equistar failed to prevent unauthorized emissions during an emissions event that started on October 31, 2005, in violation of Air Permit No. 4634B, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was determined to be excessive and avoidable, Equistar Chemicals, LP was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

## Classification: Moderate

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

Rqmt Prov: No 4634A PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

## Classification: Major

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

Rqmt Prov: TCEQ Permit #4634B, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

## Classification: Minor

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

Description: Failed to submit notification for a facility that incurred an emissions event.

## Classification: Minor

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

Description: Failed to identify preconstruction authorization emissions limits.

## Classification: Moderate

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

Rqmt Prov: 18423 S.C No.1 PERMIT

O-02259, Special Terms&Conditions No. 15 OP

Description: Failure to maintain the emissions from the storage tank 316T6 within the permit allowable rate.

## Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7

Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP

Description: Failure to monitor 148 valves in Volatile Hazardous Air Pollutant (VHAP) service in the Utilities Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) Part 60, during the certification period.

## Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2

Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP

Description: Failure to monitor 5 pumps in Volatile Hazardous Air Pollutant (VHAP) service in the Utilities Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) Part 60, during the certification period.

## Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP

Description: Failure to cap or plug 28 open ended lines in the Utilities Unit, during the certification period.

## Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)

Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP

Description: Failure to maintain the flare minimum heating value of 300 BTU/scf during the reactor regeneration periods in the Utilities Unit on October 6, & 29, November 26, December 22, & 28 of year 2003 and on January 28, February 9, and May 12, 2004.

## Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)

Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP

Description: Failure to collect the monthly benzene wastewater samples at the waste stream exit point in June 2003, July 2003, and July 2004.

## Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)(3)

Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP

Description: Failure to keep the records of time and duration of maintenance activity, during the certification period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(b)

Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP

Description: Failure to conduct the quarterly visual inspection of oil-water separators with Identification Numbers 20S1 and 90S4.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Rqmt Prov: O-02259, General Terms & Conditions OP

Description: Failure to report some Instances of deviations in the Utilities Unit in the report dated January 14, 2003.

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to represent the VOC's and benzene fugitives emissions from the Utilities Unit in the Title V operating permit No. O-02259.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247(b)(4)

Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP

Description: Failure to include the total number of valves and pumps added to the fugitive monitoring program (revisions) in the semiannual report submitted on April 27, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(A)  
30 TAC Chapter 106, SubChapter T 106.452(2)(D)

Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP

Description: Failure to register the dry abrasive cleaning facility and also exceeded the abrasive material daily usage rate for 13 days. The abrasive material usage ranged from 1.5 tons to 2.3 tons.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter S 106.433(7)(A)  
30 TAC Chapter 106, SubChapter S 106.433(9)

Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP

Description: Failure to register the surface coating facility and also exceeded the limit of six lb/hr of VOC emissions, averaged over five hour period for four days during the certification period.

Classification: Moderate

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

Rqmt Prov: 18423, General Condition No.1 PERMIT  
O-02259, Special Terms&Conditions No.15 OP

Description: Failure to represent the emissions from the hydrocarbon rag layer for the storage tanks 316T5 and 316T6.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)

Rqmt Prov: O-02260 STC 1.A OP

Description: Failure to monitor 59 valves in Volatile Hazardous Air Pollutant (VHAP) service in the Aromatics/Isoprene Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) part 60.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
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: O-02260, S. C. 1A OP

Description: Failure to monitor 2 pumps in Volatile Hazardous Air Pollutant (VHAP) service in the Aromatics/Isoprene Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) part 60.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)

Description: As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions.

See addendum for information regarding federal actions.

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	07/19/2004	(278402)
2	07/23/2004	(250413)
3	10/12/2004	(293360)
4	10/26/2004	(338100)
5	11/04/2004	(339181)
6	11/22/2004	(341016)
7	11/22/2004	(341024)
8	11/22/2004	(341169)
9	11/22/2004	(341236)
10	11/22/2004	(341355)
11	11/22/2004	(341455)
12	11/29/2004	(289697)
13	11/30/2004	(259259)
14	12/28/2004	(344869)
15	12/30/2004	(344993)
16	12/31/2004	(345634)
17	01/07/2005	(344601)
18	01/19/2005	(345344)
19	01/31/2005	(347433)
20	03/15/2005	(371378)
21	03/16/2005	(373784)
22	03/18/2005	(373943)
23	04/14/2005	(377117)
24	05/02/2005	(379552)
25	05/09/2005	(293362)
26	05/19/2005	(371475)
27	06/21/2005	(375806)
28	06/22/2005	(375724)
29	06/22/2005	(375761)
30	07/08/2005	(397149)
31	07/14/2005	(376596)
32	07/25/2005	(400224)
33	08/09/2005	(376612)
34	08/25/2005	(399824)
35	08/31/2005	(418596)
36	08/31/2005	(418729)
37	09/29/2005	(375003)
38	12/01/2005	(437309)
39	12/12/2005	(435274)
40	12/12/2005	(435301)
41	02/16/2006	(454291)
42	02/28/2006	(452437)
43	03/17/2006	(457658)
44	04/26/2006	(459338)
45	05/11/2006	(289782)
46	05/23/2006	(463924)
47	05/30/2006	(466880)

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: O-02260, S.C. 1A OP

Description: Failure to cap or plug 46 open ended lines in the Aromatics/Isoprene Unit discovered

between September 25, 2003 and February 26, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
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 63.163(c)(2)

Rqmt Prov: O-02260, S.C. 1A OP

Description: Failure to make the first attempt at repair within the five calendar days after the leak is found for three pumps, two connectors and two sensory leaks and failed to complete the repair within 15 days for one pump.

Classification: Moderate

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

Description: Failure to monitor the 105 connectors to maintain a 97% control efficiency as represented in New Source Review Permit No. 19480.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description: Failure to report some instances of deviations in the Aromatics/Isoprene Unit in the report dated January 14, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 19480, S. C. 1 PERMIT

O-02260, S. C. 20 OP

Description: Failure to maintain the emissions from storage tanks 320T247-2 and 320T285 within the permit allowable rate.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: O-02260, S.C. 2 OP

Special Condition 1 PERMIT

Description: Failure to operate the flare, omission point number 318Z3, within the permit limits 10 times between June 25, 2003 and June 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.355(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)

Description: Failure to perform fugitive monitoring in accordance with Method 21

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

Description: Failure to maintain a seal on plugs installed on an open ended line.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Description: Failure to equip an open ended valve with a cap, blind flange, plug, or a second valve.

Effective Date: 10/06/2008

ADMINORDER 2008-0564-AIR-E

Classification: Moderate

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

Rqmt Prov: Standard Permit Registration PERMIT

TCEQ Permit No. 4634B, SC #1 PERMIT

48 06/14/2006 (480490)  
49 06/23/2006 (457277)  
50 06/29/2006 (484154)  
51 06/30/2006 (483594)  
52 08/04/2006 (482173)  
53 08/16/2006 (484908)  
54 08/18/2006 (487675)  
55 09/01/2006 (497420)  
56 09/11/2006 (490208)  
57 09/29/2006 (508950)  
58 10/19/2006 (511684)  
59 10/31/2006 (516242)  
60 11/16/2006 (517613)  
61 11/29/2006 (274682)  
62 12/05/2006 (518249)  
63 01/10/2007 (455112)  
64 02/05/2007 (533849)  
65 02/14/2007 (532591)  
66 02/22/2007 (539187)  
67 03/06/2007 (532588)  
68 03/09/2007 (497404)  
69 03/09/2007 (497419)  
70 04/05/2007 (532553)  
71 04/11/2007 (555128)  
72 05/10/2007 (532558)  
73 05/10/2007 (532583)  
74 05/14/2007 (540652)  
75 05/14/2007 (557851)  
76 05/31/2007 (559803)  
77 06/28/2007 (560611)  
78 06/29/2007 (560739)  
79 07/11/2007 (559739)  
80 07/26/2007 (567221)  
81 07/27/2007 (562723)  
82 07/27/2007 (562772)  
83 07/27/2007 (562784)  
84 07/30/2007 (562873)  
85 08/09/2007 (570952)  
86 08/10/2007 (562866)  
87 08/10/2007 (562972)  
88 08/10/2007 (563354)  
89 08/13/2007 (565934)  
90 08/29/2007 (571670)  
91 08/29/2007 (573407)  
92 09/28/2007 (596091)  
93 10/03/2007 (564369)  
94 10/03/2007 (564509)  
95 10/12/2007 (571882)  
96 10/15/2007 (571925)  
97 10/15/2007 (571929)  
98 10/15/2007 (572110)  
99 10/16/2007 (597981)  
100 10/18/2007 (569970)  
101 10/19/2007 (571364)  
102 11/16/2007 (572853)  
103 11/16/2007 (608892)  
104 11/28/2007 (599650)  
105 12/07/2007 (610526)

106 01/04/2008 (571695)  
107 01/07/2008 (610603)  
108 01/24/2008 (610702)  
109 01/28/2008 (613356)  
110 01/30/2008 (613977)  
111 02/27/2008 (618557)  
112 02/29/2008 (615621)  
113 03/04/2008 (613495)  
114 03/27/2008 (638802)  
  
115 03/31/2008 (610486)  
116 04/03/2008 (617168)  
117 04/03/2008 (618321)  
118 04/25/2008 (636857)  
119 04/28/2008 (725876)  
120 05/05/2008 (610607)  
121 05/06/2008 (638084)  
122 05/06/2008 (638187)  
123 05/06/2008 (638349)  
124 05/06/2008 (638386)  
125 05/12/2008 (654201)  
126 05/21/2008 (671318)  
127 05/22/2008 (671635)  
128 06/25/2008 (683945)  
129 06/30/2008 (684342)  
130 07/02/2008 (683958)  
131 07/21/2008 (518562)  
132 09/23/2008 (686970)  
133 10/20/2008 (680215)  
134 10/22/2008 (681913)  
135 10/22/2008 (683722)  
136 10/27/2008 (681915)  
137 10/27/2008 (689395)  
138 12/17/2008 (700377)  
139 12/17/2008 (700554)  
140 12/17/2008 (700684)  
141 01/23/2009 (723362)  
142 02/12/2009 (725603)  
143 02/23/2009 (721200)  
144 02/25/2009 (721086)  
145 03/23/2009 (724081)  
146 03/31/2009 (721110)  
147 04/02/2009 (721239)  
148 04/06/2009 (735984)  
149 04/13/2009 (737599)  
150 05/04/2009 (742009)  
151 05/07/2009 (721108)  
152 05/14/2009 (742336)  
153 05/14/2009 (742369)  
154 05/15/2009 (742614)  
155 06/08/2009 (748045)  
156 06/15/2009 (741840)

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

Date: 11/22/2004 (341024)  
Self Report? NO

CN600124705

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
4634B, S.C. No.1 PERMIT

5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to minimize the emissions with in MAERT.

Date: 11/22/2004 (341355) CN600124705

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

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: 19480, S.C.No.1 PERMIT

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)

Description: Failure to prevent the PSV from lifting and causing the release of air pollutants to the atmosphere

Date: 11/22/2004 (341455) CN600124705

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

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) CN600124705

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)  
TCEQ Permit #4634B, Special Condition #1 PERMIT

Description: Failure to control unauthorized emissions.

Date: 12/30/2004 (345344) CN600124705

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) CN600124705

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) CN600124705

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)  
O-02259, SC 1A OP

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)(iii)  
O-02259, SC 1A OP

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)

O-02259, SC 1A OP

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)  
O-02259, SC 1A OP

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
O-02259, SC 1A OP

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)  
NSR 18708, SC 1 PERMIT  
O-02259, SC 15 OP

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)  
O-02259, SC 1A OP

Description: Failure to perform a five-day first repair attempt on Pump 316P28 in the Utilities Unit.

Date: 12/12/2005 (435301) CN600124705

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)  
NSR 19480, SC 4E PERMIT  
O-02260, SC 1A OP  
O-02260, SC 20 OP

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)  
NSR 19480, SC 4E PERMIT  
O-02260, SC 1A OP  
O-02260, SC 20 OP

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)  
NSR 19480, SC 4F PERMIT  
O-02260, SC 1A OP  
O-2260, SC 20 OP

**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)  
O-02260, SC 1A OP

**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)  
O-02260, SC 1A OP

**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  
O-02260, SC 1A OP

**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)  
NSR 19480, SC 4F PERMIT  
O-02260, SC 1A OP  
O-02260, SC 20 OP

**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)  
O-02260, SC 1A OP

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

**Date:** 02/26/2006 (452437) **CN600124705**

**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)  
NSR 19558, SC 2E PERMIT  
NSR 20993, SC 9E PERMIT  
O-02261, SC 1A & 13 OP

**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)  
O-02261, SC 1A OP

**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)  
O-02261, SC 1A OP  
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)  
O-02261, SC 1A OP  
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) CN600124705  
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)  
Title V O-01287, SC 1A OP  
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 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
NSR 4634B, SC 19E PERMIT  
Title V O-01287, SC 1A and 14 OP  
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 116, 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)  
5C THC Chapter 382, SubChapter A 382.085(b)  
NSR 4634B, SC 19E PERMIT  
Title V O-01287, SC 1A and 14 OP  
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 116, 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)  
5C THC Chapter 382, SubChapter A 382.085(b)  
NSR 4634B, SC 19E PERMIT  
Title V O-01287, SC 1A and 14 OP  
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 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
NSR 4634B, SC 19E PERMIT  
Title V O-01287, SC 1A and 14 OP  
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)  
Title V O-01287, SC 1A OP

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Title V O-01287, SC 1A OP

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Title V O-01287, SC 1A OP

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Title V O-1287, SC 1A OP

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)  
Title V O-01287, SC 1A OP

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)  
Title V O-01287, SC 1A OP

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  
5C THC Chapter 382, SubChapter A 382.085(b)  
NSR 4634B, SC 19E PERMIT  
Title V O-01287, SC 1A, 1D, and 14 OP

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

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)  
Title V O-01287, SC 14 OP

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) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
TCEQ Permit No. 4634B PERMIT  
Description: Failure to close a bypass valve which allowed dimethyl sulfide to be routed to the flare.

Date: 10/31/2006 (516242) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Permit No. 19558, SC #1 PERMIT  
Description: Equistar failed to prevent a PSV from lifting during a process transfer.

Date: 11/16/2006 (517613) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 19558, Special Condition No. 1 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to prevent a pinhole leak on piping.

Date: 03/06/2007 (532588) CN600124705  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02259, SC 1A OP  
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) CN600124705  
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) CN600124705  
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) CN600124705  
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)  
O-01287, SC 1A OP  
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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01287, SC 1A OP  
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)  
O-01287, SC 1A OP  
Permit 4634B, SC 19E PERMIT

Description: 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)  
O-01287, SC 1A OP

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)  
O-01287, SC 1A OP

Description: Failure to submit a PBR within 10 days of the modification to authorize the increase in emissions.

Date: 05/08/2007 (532583) CN600124705

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)  
O-02261 OP  
Permit 19558, SC 2E PA

Description: Failure to plug/cap all open-ended lines.

Date: 05/10/2007 (532558) CN600124705

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)  
O-02260, SC 1A OP  
Permit 19480, SC 4E PERMIT

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)  
O-02260, SC 1A OP  
Permit 19480, SC 4H, 4I PERMIT

Description: Failure to repair a pump seal leak within 15 days.

Date: 05/17/2007 (557851) CN600124705

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ AIR NSR Permit #19480, SC#1 PA

Description: Equistar failed to close a PSV bypass valve prior to a startup.

Date: 04/01/2008 (610486) CN600124705

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP O-02260 SC 1A OP  
FOP O-02260 SC 20 OP  
NSR 19480 SC 10A PA  
NSR 19558 SC 9 PA

Description: Equistar failed to meet the minimum heat requirement for Flare 318Z3. (FOP O-02660; NSR 19480 and 19558)

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)  
5C THSC Chapter 382 382.085(b)  
FOP O-02260 SC 1A OP  
FOP O-02260 SC 20 OP  
NSR 19480 SC 4E PA

Description: Equistar failed to cap open-ended lines violation Category C10. (FOP O-02260; NSR 19480)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.119(c)(2)(v)  
5C THSC Chapter 382 382.085(b)  
FOP O-02260 SC 1A OP

Description: Equistar failed to equip tank 320T913 with vacuum breaker gaskets from June 17, 2003 to March 14, 2007. (FOP O-02260; NSR 4634B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.119(c)(2)(viii)  
5C THSC Chapter 382 382.085(b)  
FOP O-02260 SC 1A OP

Description: Equistar failed to equip tank 320T913 with sample hatch gaskets from June 17, 2003 to March 14, 2007. (FOP O-02260; NSR 4634B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-02260 SC 1A OP

Description: Equistar failed to monitor fugitive components. One deviation occurred when 505 valves and 795 connectors that are located downstream of the equipment leading to the flare header were not monitored from October 23, 2006 to April 5, 2007. (FOP O-02260)

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 63.181(b)(1)(i)  
5C THSC Chapter 382 382.085(b)

Description: Equistar failed to maintain identification records of fugitive components. One deviation occurred when 505 valves and 795 connectors that are located downstream of the equipment leading to the flare header were excluded from identification and recordkeeping from October 23, 2006 to April 5, 2007. The other deviation was caused by a software malfunction which resulted in 5 valves not being monitored during the second quarter of 2007. (FOP O-02260)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
FOP O-02260 SC 20 OP  
NSR 19558 SC 7 PA

Description: Equistar failed to limit the flow rate of cooling tower CT-1 to the permitted level. The regulated entity reported as a deviation one incidence when it was discovered that from April 19 to 21, 2007. (FOP O-02260; NSR 19558)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
5C THSC Chapter 382 382.085(b)

FOP O-02260 SC 22 OP  
Description: Equistar failed to submit the required form for the registration of PBR 106.261 in a timely manner in 2006. (FOP O-02260)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-02260 SC 22 OP  
Description: Equistar failed to maintain records during the maintenance activities on a transmitter and a PSV that were conducted under PBR 106.263. (FOP O-02260)

Date: 05/05/2008 (610607) CN600124705  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.247(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-02259 OP  
Description: Failure to submit the Stage II Exemption report within the deadline.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP#O-02259, SC#1A OP  
Description: Failure to install vacuum breaker gaskets on tanks.  
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 61.346(a)(3)  
5C THSC Chapter 382 382.085(b)  
FOP O-02259, SC#12A OP  
Description: Failure to attempt repair or isolate a leak with 15 calendar days.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-02259, SC#1A OP  
Description: Failure to control sump from section F-street and G-street separators.

Date: 05/21/2008 (671318) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Equistar failed to properly maintain the furnace box.

Date: 05/23/2008 (671635) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
TCEQ Air Permit No. 19480, SC #1 PERMIT  
Description: Equistar failed to prevent a fire in the distillation column.

Date: 03/31/2009 (721110) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 2(f) OP  
Description: Failure to report reportable opacity event to the TCEQ. (CATEGORY B3 violation)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to include all deviations in the deviation report. (CATEGORY C3 violation)

Date: 04/02/2009 (721239) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Terms and Conditions 17 OP  
Special Terms and Conditions 1A OP

Description: Failure to maintain CO emissions below 400 ppm and below the permit limit of 83.90 lb/hr. [Category B18 violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(f)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Terms and Conditions 1A OP  
Special Terms and Conditions 1O(iii) OP

Description: Failure to maintain a calorimeter to determine the net heating value of gas sent to the sour gas flare. [CATEGORY B1 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 7C PERMIT  
Special Terms and Conditions 17 OP  
Special Terms and Conditions 1A OP

Description: Failure to sample the wet air oxidation treatment unit effluent during operation in December 2007. [Category C1 Violation]

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 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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8E PERMIT  
Special Terms and Conditions 17 OP  
Special Terms and Conditions 1A OP  
Special Terms and Conditions 1F OP  
Special Terms and Conditions 1O(v) OP

Description: Failure to properly cap or plug open-ended lines. [Category C10 Violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Terms and Conditions 17 OP

Description: Failure to maintain annual emissions of NOx and CO below the permitted limit for the main flare (EPN 319Z4). [Category B18 Violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.112a(a)(2)  
  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(v)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Terms and Conditions 1A OP  
Special Terms and Conditions 4 OP

Description: Failure to maintain vacuum breaker vents in a closed position during normal operation for tank 90T20. [Category B18 Violation]

Self Report? NO Classification: Moderate

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

30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17I PERMIT  
Special Terms and Conditions 17 OP  
Special Terms and Conditions 1A OP

Description: Failure to repair a leaking component within fifteen days of its discovery  
[Category C4 Violation]

Date: 05/08/2009 (721108)

CN600124705

Self Report? NO Classification: Moderate

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)  
5C THSC Chapter 382 382.085(b)  
NSR 19480 Special Condition 10A PERMIT  
NSR 19480 Special Condition 2 PERMIT  
NSR 19480 Special Condition 3 PERMIT  
OP O-02260 Special Term & Condition 1 OP  
OP O-02260 Special Term & Condition 14 OP  
OP O-02260 Special Term & Condition 23 OP

Description: Failure to maintain the allowable minimum BTU/scf limit for flares. (CATEGORY B18 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR 19558 Special Condition 7 PERMIT  
OP O-02260 Special Term & Condition 23 OP

Description: Failure to maintain the allowable average flow rate through the cooling tower.  
(CATEGORY B18 violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
5C THSC Chapter 382 382.085(b)  
NSR 19480 Special Condition 2 PERMIT  
OP O-02260 Special Term & Condition 23 OP

Description: Failure to monitor pumps for leak detection. (CATEGORY C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR 4634B Special Condition 17E PERMIT  
NSR 4634B Special Condition 8C PERMIT  
OP O-02260 Special Term & Condition 23 OP  
OP O-2260 Special Term & Condition 1F OP

Description: Failure to prevent an open ended line on a drain valve. (CATEGORY C10 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
OP O-02260 General Terms & Conditions OP  
OP O-02260 Special Term & Condition 4 OP

Description: Failure to maintain flare flame and pilot for control device. (CATEGORY B18 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
5C THSC Chapter 382 382.085(b)  
NSR 19480 Special Condition 2 PERMIT  
OP O-02260 Special Term & Condition 23 OP

Description: Failure to monitor 65 valves for leak detection. (CATEGORY C1 Violation)

Date: 06/05/2009 (741840)

CN600124705

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(7)(A)  
5C THSC Chapter 382 382.085(b)

Description: Equistar failed to meet the affirmative defense due to late reporting.

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 115.356(5)

Description: Failure to maintain leak records.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)

Description: Failure to maintain leak tags.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)

Description: Failure to conduct monitoring.

Viol. Classification: Minor

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(b)

Description: Failure to seal an open ended line.

Viol. Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

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)

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.132

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)

Description: The list of BWON wastes was not complete. Waste not in the TAB report: 86T8 Hydrotreater drain tank; 94T18 caustic drain tank; 93T12 cracked gas compressor decontam vessel; 92T7 Quench oil decontam drain tank; 92T8 Quench water decontam drain tank; 23T24 solvent sump tank; 23T10/23T27 solvent recovery tank; 94S4 spent caustic; 94S4 Wash oil; 90T19 olefins unit slop oil; TTEG blowdown to 20S1; Drainings such as instrumentation blowdowns, sight glasses, samples; cooling tower blowdown; lab samples

Viol. Classification: Moderate

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)

Description: A records review at the site was conducted to assess the quantity of benzene in waste streams that contribute towards the 2 Mg exemption limit. Beginning in April 2008, the site conducted quarterly "end of line" sampling to monitor the BWON waste streams discharged to the uncontrolled sewer against the 2 Mg exemption limit. "End of Line" sampling has indicated that the 2 Megagram exemption limit was exceeded for reporting year 2008.

Viol. Classification: Moderate

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)

Description: Each off-site waste shipment did not include the required notification. The information in the waste profile did not accompany each shipment.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.132  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Not all fixed-roof tanks were properly included in the BWON controlled waste management system including: 25T9-1; 25T9-2; 94T18; 93T12; 92T7 92T8 92T9; 25T10; 94T20; V1060, 23T10, 23T27.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.132  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)

Description: All the emission monitoring and visual inspections for some containers required to be included in the controlled waste management system have not been performed, including: vacuum trucks, laboratory samples containers, pilot plant containers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.132  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Not all drain system components were properly included in the BWON controlled waste management system, including 23T24.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.132  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(5)

Description: Not all monitoring, inspections, and recordkeeping were performed, such as for the thermal oxidizer receiving vents from Tank V1060, Boilers 391H1 and 391H2.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)

Description: The benzene quantities of certain waste streams calculated for the TAB were not accurate, including the characterization of organic phase.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)

Description: The benzene concentration for some waste streams were not properly flow-weighted.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)

Description: The organic phase was not properly incorporated into the characterization of some multiple-phase wastes.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: There were minor discrepancies between field-generated off-site waste characterization and some TAB entries.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Some waste shipments off-site have not been accompanied by the required BWON notice.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)

Description: As a result of incomplete records, unable to verify if corrective actions responding to visual inspections and instrument monitoring results were performed in all cases.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)

Description: A summary of monitoring during which detectable emissions were measured was omitted from annual report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(e)

Description: Records retention policy precludes on-site confirmation that notifications to EPA regarding alternative provisions for tanks (Subpart Kb) were submitted.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(f)

Description: Some Subpart Kb deviation reports were not included in the annual benzene report.

Notice of Intent Date: 08/03/2007 (593644)

No DOV Associated

Notice of Intent Date: 08/31/2007 (268201)

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT O-1287  
PERMIT O-2259  
PERMIT O-2261  
PERMIT O-2643

Description: Failure to comply with Title V Operating Permit numbers 1287, 2259, 2261, and 2643, General Terms and Conditions 15.

Notice of Intent Date: 08/31/2007 (597999)

Disclosure Date: 07/01/2008

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(d)  
30 TAC Chapter 335, SubChapter R 335.510(b)(3)  
30 TAC Chapter 335, SubChapter R 335.511(a)  
30 TAC Chapter 335, SubChapter R 335.513(c)

Description: Failure to maintain/update the required information to document solid and hazardous waste determinations.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52  
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failure to maintain a complete emergency response plan.

Notice of Intent Date: 09/27/2007 (610320)

No DOV Associated

Notice of Intent Date: 01/11/2008 (636090)

Disclosure Date: 02/28/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)

30 TAC Chapter 115, SubChapter D 115.356(3)  
30 TAC Chapter 115, SubChapter H 115.786(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)  
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)  
30 TAC Chapter 115, SubChapter D 115.356(3)  
30 TAC Chapter 115, SubChapter H 115.786(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)  
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

Disclosure Date: 10/09/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)  
30 TAC Chapter 115, SubChapter D 115.356(3)  
30 TAC Chapter 115, SubChapter H 115.786(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)  
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

Disclosure Date: 01/08/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)  
30 TAC Chapter 115, SubChapter D 115.356(3)  
30 TAC Chapter 115, SubChapter H 115.786(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)  
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

Notice of Intent Date: 05/15/2008 (681805)

No DOV Associated

Notice of Intent Date: 06/06/2008 (688495)

No DOV Associated

Notice of Intent Date: 06/18/2008 (699788)

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

---

## *Addendum to Compliance History Federal Enforcement Actions*

---

**Reg Entity Name:** EQUISTAR CHOCOLATE BAYOU POLYMER

*Reg Entity Add:* 2 MILE WEST FM 2917      *Reg Entity No:*

*Reg Entity City:* ALVIN      **RN100210574**

---

**Customer Name:** Equistar Chemicals

*Customer No:* **CN600124705**

---

*EPA Case No:* 06-2004-3409

*Order Issue Date (yyyymmdd):* 20080126

*Case Result:* Final Order with Penalty

*Statute:* RCRA

*Sect of Statute:* 3005

*Classification:* MAJOR

*Program:* RCRA

*Citation:*

*Violation Type:* Discharge/Emission/Activity  
w/out Permit

*Cite Sect:*

*Cite Part:*

*Enforcement Action:* Consent Decree/Court Order

---



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§           **BEFORE THE**  
§  
§           **TEXAS COMMISSION ON**  
§  
§           **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0080-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, represented by Jennifer Keane of the law firm of Baker Botts L.L.P. 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 operated 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 conducted on January 7, 2008, TCEQ staff documented that during an emissions event that began on December 20, 2007 when an electrical switch failed (Incident No. 101603), the following unauthorized emissions were released from the Olefins Main Flare, the Sour Gas Flare, and the Nine Furnaces over a period of 44 hours and five minutes: 2,748.7 pounds (“lbs”) of carbon monoxide (“CO”), 2,293.2 lbs of propylene, 2,121.8 lbs of ethylene, 559.4 lbs of ethane, 491.5 lbs of butenes, 445.8 lbs of benzene, 364 lbs of butadiene, 362.3 lbs of pentane, 336.5 lbs of nitrogen oxides (“NOx”), 228.8 lbs of toluene, 193.1 lbs of hexane, 82.2 lbs of propane, 74.8 lbs of xylene, 57.8 lbs of butane, 53 lbs of heptane, 50.4 of other volatile organic compounds (“VOCs”), 30 lbs of styrene, 11.3 lbs of acetylene, and 100% opacity.
4. During a record review conducted on January 3, 2008, TCEQ staff documented that during an emissions event that began on November 13, 2007 when a reactor interlock tripped (Incident No. 99942), the following unauthorized emissions were released from the Olefins Main Flare over a period of six hours and 20 minutes: 2,744.27 lbs of ethylene, 2,705.4 lbs of CO, 468.2 lbs of NOx, 28 lbs of n-pentane, 12.64 lbs of butene, 11.2 lbs of propylene, 3.9 lbs of 1-3, butadiene, 0.8 lbs of n-butane, 0.4 lbs of propane, and 0.2 lbs of butane.
5. During a record review conducted on July 19, 2007, TCEQ staff documented that a flame was not maintained on the Olefins Main Flare for 75 minutes on June 7, 2007 during an emissions event that began on June 7, 2007 when a power distribution card failed (Incident No. 92246) and released the following unauthorized emissions from the Olefins Main Flare over a period of 29 hours and 24 minutes: 30,955.3 lbs of propylene, 6,197 lbs of CO, 3,852.7 lbs of 1-3, butadiene, 3,600.1 lbs of ethylene, 1,571.7 lbs of propane, 1,445.9 lbs of benzene, 1,372.8 lbs of butene, 1,097.4 lbs of pentane, 817 lbs of NOx, 807 lbs of toluene, 787.6 lbs of butane, 601 lbs of hexane, 285.1 lbs of isobutane, 267.5 lbs of xylene, 177.8 lbs of heptane, 108.2 lbs of styrene, 100.3 lbs of nonane, 59 lbs of octane, 26.4 lbs of acetylene, and 23.8 lbs of other VOCs.
6. The Respondent received notices of the violations on or about January 9, February 4, and March 5, 2008.
7. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. In accordance with the TCEQ approved Corrective Action Plan that was submitted in response to the June 7, 2007 excessive emissions event (Incident No. 92246):
    - i. Completed testing and replacement of the power distribution cards in the boiler controls on November 29, 2007;
    - ii. Revised the facility steam curtailment procedures on November 30, 2007;
    - iii. Tagged pilots on the flare on July 26, 2006 to prevent operators from attempting to light out of service pilots;

- iv. Revised the weekly safety check sheet on July 26, 2007 to include the task of draining the low point collection drain line on the pilot gas line; and
  - v. Cleaned the pilot ignition system on October 5, 2007 as a result of diagnostic testing.
- b. The Olefins Main Flare, the Sour Gas Flare, and the Nine Furnaces cited in this Agreed Order were shut down by the Respondent in February 2009, and Air Permit No. 4634B has been amended to remove them from the permit.
8. On January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the "Code"). In re Lyondell Chemical Company, et al., Case No. 09-10023 (REG) (Chapter 11) (Bankr. S.D.N.Y.) (the "Bankruptcy Case"). The automatic stay imposed by the Code (specifically, 11 U.S.C. § 362 (a)) does not apply to the commencement or continuation of an action or a proceeding by a governmental unit to enforce such governmental unit's police and regulatory power, including the enforcement of a judgment other than a money judgment obtained in such action or proceeding, by virtue of the exception provided in 11 U.S.C. § 362 (b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 U.S.C. § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's environmental protection laws, and in seeking to liquidate its damages for such violations, including the assessment of Respondent of the administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) as provided in Section II, Paragraph 5 and Section III, Paragraph I 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 Thousand Dollars (\$50,000), which shall be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.

## 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 during Incident No. 101603 on December 20, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 111.111(a)(4), and (a)(1)(C), Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since unauthorized emissions and the duration of the emissions event were not minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions during Incident No. 99942 on November 13, 2007, in violation of 30 TEX. ADMIN. CODE

§ 116.115(c), Air Permit No. 4634B, Special Condition No. 1, Standard Permit Registration No. 81006, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions and maintain a flame on the Olefins Main Flare during Incident No. 92246 on June 7, 2007, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 4634B, Special Condition Nos. 1 and 10, Standard Permit Registration No. 81006, 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event could have been avoided through better operational practices, was excessive, and unauthorized emissions were not minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
5. An administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) 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 Thousand Dollars (\$50,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. 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. Subject to the provisions of Section I, Paragraph 8 above, which are expressly incorporated herein, TCEQ shall have an allowed general unsecured claim in the Respondent's bankruptcy case.
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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  
 DOCKET NO. 2008-0080-AIR-E  
 Page 6

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John S. Miller  
 For the Executive Director

\_\_\_\_\_  
 Date 1/19/2010

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. Mathena  
 Signature

\_\_\_\_\_  
 Date 12-3-09

Douglas R. Mathena  
 Name (Printed or typed)  
 Authorized Representative of  
 Equistar Chemicals, LP

Plant Manager  
 Title