

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-1474-AIR-E **TCEQ ID:** RN100542281 **CASE NO.:** 36512  
**RESPONDENT NAME:** Equistar Chemicals, LP

|  |   |  |
|--|---|--|
| <b>ORDER TYPE:</b>   |   |  |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER  | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER  | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER   | <input type="checkbox"/> EMERGENCY ORDER                    |  |
| <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> Channelview Complex, 8280 Sheldon Road, Channelview, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical plant producing benzene and toluene</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-0263-AIR-E and 2008-1085-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 12, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC MC 149, (512) 239-0321; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495<br/> <b>Respondent:</b> Mr. Don Holloway, Environmental Superintendent, Equistar Chemicals, LP, P.O. Box 777, Channelview, Texas 77530-0777<br/> Mr. T. E. Cannell, East Operations Production Superintendent, Equistar Chemicals, LP, P.O. Box 777, Channelview, Texas 77530-0777<br/> <b>Respondent's Attorney:</b> Ms. Jennifer Keane, BakerBotts LLP, 1500 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701-4078</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|--|--|---|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input 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 14, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 29, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to take extra-ordinary repair efforts within 14 days if a leak of greater than 10,000 parts per million by volume ("ppmv") is found. Specifically, valves (46-744 and 43-5367) at the Olefins #2 Unit were leaking at a rate greater than 10,000 ppmv and no extra-ordinary effort to repair was made within 14 calendar days of the discovery [30 TEX. ADMIN. CODE § 115.782(c)(2)(A)(i) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to report all instances of deviations on Deviation Reports ("DRs"). Specifically, the DR for the period March 14, 2005 through September 14, 2005 failed to report that components in the volatile organic compounds ("VOC") service were not monitored; the report for the period March 14, 2007 through September 14, 2007, failed to report that the diesel engine OP2BN1 failed the carbon monoxide ("CO") grams per horse power hour ("g/hp-hr") limit for the second quarter of 2007, and that continuous parameter monitoring records were lost during data transfer for wastewater treatment devices; and the report for the period September 15, 2006 through March 14, 2006, failed to report the Regenerative Vent R-4360A failed the VOC test and exceeded the permitted limits. The DRs were submitted on April 10, 2008 [Federal Operating Permit ("FOP") No. O-2174</p> | <p><b>Total Assessed:</b> \$36,565</p> <p><b>Total Deferred:</b> \$7,313<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <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> \$0</p> <p>On January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.</p> <p>(Remaining \$29,252 due pending outcome of bankruptcy proceedings)</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Open ended lines were capped or plugged and additional operator training was conducted on February 28, 2008, to ensure extra-ordinary repair efforts would take place within 14 days if a leak greater than 10,000 ppmv is found;</p> <p>b. Corrected DRs listing all deviations were submitted on April 10, 2008, and additional operator training was conducted to ensure complete DRs are submitted in the future; and</p> <p>c. Regenerative Vent R-4360A was re-tested on November 4, 2007 and the emissions were within permit limits.</p> |

|   |  |  |
|---|--|--|
| <p>General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to maintain Regenerative Vent R-4360A emissions within permit limits. Specifically, the permit limit for VOCs is 5.86 pounds per hour ("lbs/hr") and the stack test result for May 2007 was 48.3 lbs/hr [FOP No. 0-2174 Standard Terms and Conditions, New Source Review Permit No. 2933 Special Condition 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> |  |  |
|---|--|--|

Additional ID No(s): HG0033B



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

|              |          |             |           |            |                     |
|--------------|----------|-------------|-----------|------------|---------------------|
| <b>DATES</b> | Assigned | 2-Sep-2008  |           |            |                     |
|              | PCW      | 17-Dec-2008 | Screening | 5-Sep-2008 | EPA Due 30-Mar-2009 |

|  |                        |                    |       |  |  |
|--|------------------------|--------------------|-------|--|--|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                        |                    |       |  |  |
| Respondent                             | Equistar Chemicals, LP |                    |       |  |  |
| Reg. Ent. Ref. No.                     | RN100542281            |                    |       |  |  |
| Facility/Site Region                   | 12-Houston             | Major/Minor Source | Major |  |  |

|                                 |                 |                       |                    |  |  |
|---------------------------------|-----------------|-----------------------|--------------------|--|--|
| <b>CASE INFORMATION</b>         |                 |                       |                    |  |  |
| Enf./Case ID No.                | 36512           | No. of Violations     | 3                  |  |  |
| Docket No.                      | 2008-1474-AIR-E | Order Type            | 1660               |  |  |
| Media Program(s)                | Air             | Government/Non-Profit | No                 |  |  |
| Multi-Media                     |                 | Enf. Coordinator      | Harvey Wilson      |  |  |
|                                 |                 | EC's Team             | Enforcement Team 3 |  |  |
| 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>\$10,300</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> | <b>280.0% Enhancement</b> | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$28,840</b> |
|---------------------------|---------------------------|--------------------------------|-----------------|

Notes: An enhancement is recommended because the Respondent has received two Findings Orders, one 1660 Order with denial, 32 NOVs for violations not similar to the current violations, 32 NOVs for the same or similar violations, and has submitted ten Notices of Intent Letters and two disclosure of violation letters.

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

Notes: The Respondent does not meet the culpability criteria.

|  |                   |                |
|--|-------------------|----------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | <b>\$2,575</b> |
|--|-------------------|----------------|

|                         |                          |                   |            |
|-------------------------|--------------------------|-------------------|------------|
| <b>Economic Benefit</b> | <b>0.0% Enhancement*</b> | <b>Subtotal 6</b> | <b>\$0</b> |
|-------------------------|--------------------------|-------------------|------------|

Total EB Amounts \$238  
 Approx. Cost of Compliance \$3,500  
 \*Capped at the Total EB \$ Amount

|                             |                       |                 |
|-----------------------------|-----------------------|-----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$36,565</b> |
|-----------------------------|-----------------------|-----------------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |                 |
|-----------------------------|-----------------|
| <b>Final Penalty Amount</b> | <b>\$36,565</b> |
|-----------------------------|-----------------|

|                                   |                               |                 |
|-----------------------------------|-------------------------------|-----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$36,565</b> |
|-----------------------------------|-------------------------------|-----------------|

|                 |                        |                   |                 |
|-----------------|------------------------|-------------------|-----------------|
| <b>DEFERRAL</b> | <b>20.0% Reduction</b> | <b>Adjustment</b> | <b>-\$7,313</b> |
|-----------------|------------------------|-------------------|-----------------|

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

Notes:

Deferral offered for expedited settlement.

|                        |                 |
|------------------------|-----------------|
| <b>PAYABLE PENALTY</b> | <b>\$29,252</b> |
|------------------------|-----------------|

Screening Date 5-Sep-2008

Docket No. 2008-1474-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36512

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100542281

Media [Statute] Air

Enf. Coordinator Harvey Wilson

### 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)  | 32                | 160%    |
|                               | Other written NOVs   | 32                | 64%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 1                 | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2                 | 50%     |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)                                       | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 10                | -10%    |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 2                 | -4%     |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 280%

>> 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

An enhancement is recommended because the Respondent has received two Findings Orders, one 1660 Order with denial, 32 NOVs for violations not similar to the current violations, 32 NOVs for the same or similar violations, and has submitted ten Notices of Intent Letters and two disclosure of violation letters.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 280%

|  |  |                                     |                                     |  |  |
|--|--|-------------------------------------|-------------------------------------|--|--|
| <b>Screening Date</b> 5-Sep-2008                                   |  | <b>Docket No.</b> 2008-1474-AIR-E   |                                     | <b>PCW</b>   |  |
| <b>Respondent</b> Equistar Chemicals, LP                           |  |                                     |                                     | <i>Policy Revision 2 (September 2002)</i>                                  |  |
| <b>Case ID No.</b> 36512   |  |                                     |                                     | <i>PCW Revision June 12, 2008</i>  |  |
| <b>Reg. Ent. Reference No.</b> RN100642281                         |  |                                     |                                     |  |  |
| <b>Media [Statute]</b> Air   |  |                                     |                                     |  |  |
| <b>Enf. Coordinator</b> Harvey Wilson                              |  |                                     |                                     |  |  |
| <b>Violation Number</b>  | 1  |                                     |                                     |  |  |
| <b>Rule Cite(s)</b>  | 30 Tex. Admin. Code § 115.782(c)(2)(A)(i) and Tex. Health & Safety Code § 382.085(b)   |                                     |                                     |  |  |
| <b>Violation Description</b>                                       | Failed to take extra-ordinary repair efforts within 14 days if a leak of greater than 10,000 parts per million by volume ("ppmv") is found. Specifically, valves (46-744 and 43-5367) at the Olefins #2 Unit were leaking at a rate greater than 10,000 ppmv and no extra-ordinary effort to repair was made within 14 calendar days of the discovery. |                                     |                                     |  |  |
|  | <b>Base Penalty</b>  | \$10,000                            |                                     |  |  |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>    |  |                                     |                                     |  |  |
| OR   | <b>Harm</b>  |                                     |                                     |  |  |
|  | Major  | Moderate                            | Minor                               |  |  |
| <b>Actual</b>  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <b>Percent</b> <input type="text" value="25%"/>                            |  |
| <b>Potential</b>   | <input type="checkbox"/>   | <input type="checkbox"/>            | <input type="checkbox"/>            |  |  |
| <b>&gt;&gt; Programmatic Matrix</b>                                |  |                                     |                                     |  |  |
|  | Falsification  | Major                               | Moderate                            | Minor  |  |
|  | <input type="checkbox"/>   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>   |  |
|  |  |                                     |                                     | <b>Percent</b> <input type="text" value="0%"/>                             |  |
| <b>Matrix Notes</b>  | Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.   |                                     |                                     |  |  |
|  | <b>Adjustment</b>  | \$7,500                             |                                     |  |  |
|  |  |                                     |                                     | \$2,500  |  |
| <b>Violation Events</b>  |  |                                     |                                     |  |  |
|  | <b>Number of Violation Events</b>  | <input type="text" value="2"/>      |                                     | <b>Number of violation days</b>  |  |
|  |  | <input type="text" value="104"/>    |                                     |  |  |
| <i>mark only one with an x</i>                                     | daily  | <input type="checkbox"/>            |                                     |  | <b>Violation Base Penalty</b> <input type="text" value="\$5,000"/> |
|  | monthly  | <input type="checkbox"/>            |                                     |  |  |
|  | quarterly  | <input checked="" type="checkbox"/> |                                     |  |  |
|  | semiannual   | <input type="checkbox"/>            |                                     |  |  |
|  | annual   | <input type="checkbox"/>            |                                     |  |  |
|  | single event   | <input type="checkbox"/>            |                                     |  |  |
| Two quarterly events are recommended.                              |  |                                     |                                     |  |  |
| <b>Good Faith Efforts to Comply</b>                                |  | <b>25.0% Reduction</b>              |                                     | \$1,250  |  |
|  |  | Before NOV                          | NOV to EDCRP/Settlement Offer       |  |  |
| <b>Extraordinary</b>   | <input type="checkbox"/>   |                                     |                                     |  |  |
| <b>Ordinary</b>  | <input checked="" type="checkbox"/>  |                                     |                                     |  |  |
| <b>N/A</b>   | <input type="checkbox"/>   |                                     |                                     |  |  |
|  | <small>(mark with x)</small>   |                                     |                                     |  |  |
| <b>Notes</b>   | The Respondent came into compliance February 28, 2008, before the August 29, 2008, NOE date.   |                                     |                                     |  |  |
|  |  |                                     |                                     | <b>Violation Subtotal</b> <input type="text" value="\$3,750"/>             |  |
| <b>Economic Benefit (EB) for this violation</b>                    |  | <b>Statutory Limit Test</b>         |                                     |  |  |
|  | <b>Estimated EB Amount</b>   | <input type="text" value="\$21"/>   |                                     | <b>Violation Final Penalty Total</b> <input type="text" value="\$17,750"/> |  |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |  |                                     |                                     | <input type="text" value="\$17,750"/>                                      |  |

### Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 36512  
**Reg. Ent. Reference No.** RN100542281  
**Media** Air  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

**Delayed Costs**

|                          |         |             |             |      |      |     |      |
|--------------------------|---------|-------------|-------------|------|------|-----|------|
| Equipment                |         |             |             | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |         |             |             | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |         |             |             | 0.00 | \$0  | \$0 | \$0  |
| Engineering/construction |         |             |             | 0.00 | \$0  | \$0 | \$0  |
| Land                     |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$1,500 | 16-Nov-2007 | 28-Feb-2008 | 0.28 | \$21 | n/a | \$21 |

Notes for DELAYED costs

The estimated cost of repairing or replacing the two valves. Date required is the date the violation was discovered. Final date is the date of compliance.

**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

\$1,500

TOTAL

\$21

|  |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|--|--|--------------------------------------|----------------------|---------|----------------------|-----------|----------------------|------------|----------------------|--------|----------------------|--------------|-------------------------------------|-------------------------------|
| <b>Screening Date</b> 5-Sep-2008                                   | <b>Docket No.</b> 2008-1474-AIR-E  | <b>PCW</b>                           |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Respondent</b> Equistar Chemicals, LP                           | <i>Policy Revision 2 (September 2002)</i>  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Case ID No.</b> 36512   | <i>PCW Revision June 12, 2008</i>  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Reg. Ent. Reference No.</b> RN100542281                         |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Media [Statute]</b> Air   |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Enf. Coordinator</b> Harvey Wilson                              |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Violation Number</b> 2  |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Rule Cite(s)</b>  | Federal Operating Permit ("FOP") No. O-2174 General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), and Tex. Health & Safety Code § 382.085(b)  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Violation Description</b>                                       | Failed to report all instances of deviations on Deviation Reports ("DR"). Specifically, the DR for the period March 14, 2005 through September 14, 2005 failed to report that components in the volatile organic compounds ("VOC") service were not monitored; the report for the period March 14, 2007 through September 14, 2007, failed to report that the diesel engine OP2EN1 failed the carbon monoxide ("CO") grams per horse power hour ("g/hp-hr") limit for the second quarter of 2007, and that continuous parameter monitoring records were lost during data transfer for wastewater treatment devices; and the report for the period September 15, 2006 through March 14, 2006, failed to report the Regenerative Vent R-4380A failed the Highly Reactive Volatile Organic Compound ("HRVOC") test and exceeded the permitted limits. The DRs were submitted on April 10, 2008. |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Base Penalty</b>  | \$10,000   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>    |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>OR</b>  | <b>Harm</b>  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | Release    Major    Moderate    Minor  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| Actual   | <input type="text"/>   | <input type="text"/>                 |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| Potential  | <input type="text"/>   | <input type="text"/>                 |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | <b>Percent</b>   | <input type="text" value="0%"/>      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>&gt;&gt; Programmatic Matrix</b>                                |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | Falsification    Major    Moderate    Minor  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | <input type="text"/>   | <input type="text" value="x"/>       |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Percent</b>   | <input type="text" value="1%"/>  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Matrix Notes</b>  | Less than 30% of the rule requirements were not met.   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Adjustment</b>  | \$9,900  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>\$100</b>   |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Violation Events</b>  |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Number of Violation Events</b>                                  | <input type="text" value="3"/>   | <b>Number of violation days</b>      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | <input type="text" value="909"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <i>mark only one with an x</i>                                     | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>   | daily                                | <input type="text"/> | monthly | <input type="text"/> | quarterly | <input type="text"/> | semiannual | <input type="text"/> | annual | <input type="text"/> | single event | <input checked="" type="checkbox"/> | <b>Violation Base Penalty</b> |
| daily  | <input type="text"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| monthly  | <input type="text"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| quarterly  | <input type="text"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| semiannual   | <input type="text"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| annual   | <input type="text"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| single event   | <input checked="" type="checkbox"/>  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  |  | <input type="text" value="\$300"/>   |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | Three single events are recommended, one for each DR containing missing data.  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Good Faith Efforts to Comply</b>                                |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | <input type="text" value="25.0%"/> Reduction   | <b>\$75</b>                          |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  | Before NOV    NOV to EDRP/Settlement Offer   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| Extraordinary  | <input type="text"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| Ordinary   | <input checked="" type="checkbox"/>  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| N/A  | (mark with x)  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Notes</b>   | The Respondent came into compliance April 10, 2008, before August 29, 2008, the NOE date.  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Violation Subtotal</b>  | <input type="text" value="\$225"/>   |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Economic Benefit (EB) for this violation</b>                    |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>Estimated EB Amount</b>   | <input type="text" value="\$125"/>   | <b>Violation Final Penalty Total</b> |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
|  |  | <input type="text" value="\$1,065"/> |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |
| <input type="text" value="\$1,065"/>                               |  |                                      |                      |         |                      |           |                      |            |                      |        |                      |              |                                     |                               |

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 36512  
**Reg. Ent. Reference No.** RN100542281  
**Media** Air  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### Delayed Costs

|                          |         |             |             |      |       |     |       |
|--------------------------|---------|-------------|-------------|------|-------|-----|-------|
| Equipment                |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Engineering/construction |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Land                     |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Record Keeping System    |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Training/Sampling        |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$1,000 | 14-Oct-2005 | 10-Apr-2008 | 2.49 | \$125 | n/a | \$125 |

Notes for DELAYED costs

The estimated cost of completing and submitting accurate DRs. Date Required is the date the first report was due. Final Date is the date accurate reports were filed.

### 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

\$1,000

**TOTAL**

\$125

|   |   |                           |   |                              |                               |              |
|---|---|---------------------------|---|------------------------------|-------------------------------|--------------|
| <b>Screening Date</b> 5-Sep-2008  | <b>Docket No.</b> 2008-1474-AIR-E   | <b>PCW</b>                |   |                              |                               |              |
| <b>Respondent</b> Equistar Chemicals, LP  | <small>Policy Revision 2 (September 2002)</small>   |                           |   |                              |                               |              |
| <b>Case ID No.</b> 36512  | <small>PCW Revision June 12, 2008</small>   |                           |   |                              |                               |              |
| <b>Reg. Ent. Reference No.</b> RN100542281  |   |                           |   |                              |                               |              |
| <b>Media [Statute]</b> Air  |   |                           |   |                              |                               |              |
| <b>Enf. Coordinator</b> Harvey Wilson   |   |                           |   |                              |                               |              |
| <b>Violation Number</b> 3   |   |                           |   |                              |                               |              |
| <b>Rule Cite(s)</b>   | Federal Operating Permit No. 0-2174 Standard Terms and Conditions, New Source Review Permit No. 2933 Special Condition 1, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)  |                           |   |                              |                               |              |
| <b>Violation Description</b>  | Failed to maintain Regenerative Vent R-4360A emissions within permit limits. Specifically, the permit limit for VOCs is 5.86 pounds per hour ("lbs/hr") and the stack test result for May 2007 was 48.3 lbs/hr. Approximately 1,986 pounds of VOCs were discharged during the 552 hours the Regenerative Vent was open to the atmosphere. |                           |   |                              |                               |              |
| <b>Base Penalty</b>   |   | \$10,000                  |   |                              |                               |              |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>                               |   |                           |   |                              |                               |              |
| OR  | <b>Harm</b>   |                           |   | <b>Percent</b>               |                               |              |
|   | <b>Release</b>  | <b>Major</b>              | <b>Moderate</b>                             |                              |                               | <b>Minor</b> |
|   | Actual  |                           |   | X                            | 25%                           |              |
|   | Potential   |                           |   |                              |                               |              |
| <b>&gt;&gt; Programmatic Matrix</b>   |   |                           |   |                              |                               |              |
|   | <b>Falsification</b>  | <b>Major</b>              | <b>Moderate</b>                             | <b>Minor</b>                 | <b>Percent</b>                |              |
|   |   |                           |   |                              | 0%                            |              |
| <b>Matrix Notes</b>   | Human health of the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.  |                           |   |                              |                               |              |
| <b>Adjustment</b>   |   |                           |   |                              | \$7,500                       |              |
| <b>\$2,500</b>  |   |                           |   |                              |                               |              |
| <b>Violation Events</b>   |   |                           |   |                              |                               |              |
|   | <b>Number of Violation Events</b>   | 2                         | <b>Number of violation days</b>             | 179                          |                               |              |
|   | <small>mark only one with an x</small>  | daily                     |   |                              | <b>Violation Base Penalty</b> | \$5,000      |
|   |   | monthly                   |   |                              |                               |              |
|   |   | quarterly                 | X   |                              |                               |              |
|   |   | semiannual                |   |                              |                               |              |
|   |   | annual                    |   |                              |                               |              |
|   |   | single event              |   |                              |                               |              |
| Two quarterly events are recommended, from May 10, 2007 until compliance on November 4, 2007. |   |                           |   |                              |                               |              |
| <b>Good Faith Efforts to Comply</b>   |   | 25.0%                     | <b>Reduction</b>                            |                              |                               | \$1,250      |
|   |   | <small>Before NOV</small> | <small>NOV to EDRP/Settlement Offer</small> |                              |                               |              |
|   | Extraordinary   |                           |   |                              |                               |              |
|   | Ordinary  | X                         |   |                              |                               |              |
|   | N/A   |                           |   | <small>(mark with x)</small> |                               |              |
| <b>Notes</b>  | The Respondent came into compliance November 4, 2007.   |                           |   |                              |                               |              |
| <b>Violation Subtotal</b>   |   |                           |   |                              | \$3,750                       |              |
| <b>Economic Benefit (EB) for this violation</b>   |   |                           | <b>Statutory Limit Test</b>                 |                              |                               |              |
|   | <b>Estimated EB Amount</b>  | \$82                      | <b>Violation Final Penalty Total</b>        |                              | \$17,750                      |              |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b>                            |   |                           |   |                              | \$17,750                      |              |

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 36512  
**Reg. Ent. Reference No.** RN100542281  
**Media** Air  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Cost                               | Date Required | Final Date | Yrs | Interest Saved | Overtime Costs | EB Amount |
|---|---------------|------------|-----|----------------|----------------|-----------|
| <b>Item Description</b> No commas or \$ |               |            |     |                |                |           |

### Delayed Costs

| Item Description         | Item Cost | Date Required | Final Date | Yrs  | Interest Saved | Overtime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|----------------|-----------|
| Equipment                |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Buildings                |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Other (as needed)        |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Engineering/construction |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Land                     |           |               |            | 0.00 | \$0            | n/a            | \$0       |
| Record Keeping System    |           |               |            | 0.00 | \$0            | n/a            | \$0       |
| Training/Sampling        |           |               |            | 0.00 | \$0            | n/a            | \$0       |
| Remediation/Disposal     |           |               |            | 0.00 | \$0            | n/a            | \$0       |
| Permit Costs             |           |               |            | 0.00 | \$0            | n/a            | \$0       |
| Other (as needed)        | \$1,000   | 30-Dec-2005   | 4-Nov-2007 | 1.85 | \$92           | n/a            | \$92      |

Notes for DELAYED costs

The estimated cost to re-test and make any necessary changes in operation procedure to ensure compliance with permit limits. Date Required is the date of the first failed test. Final Date is the date of compliance.

### Avoided Costs

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

| Item Description              | Item Cost | Date Required | Final Date | Yrs  | Interest Saved | Overtime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|----------------|-----------|
| Disposal                      |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Personnel                     |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Inspection/Reporting/Sampling |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Supplies/equipment            |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Financial Assurance [2]       |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| ONE-TIME avoided costs [3]    |           |               |            | 0.00 | \$0            | \$0            | \$0       |
| Other (as needed)             |           |               |            | 0.00 | \$0            | \$0            | \$0       |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$92

# Compliance History

|                                     |                                    |                         |                   |
|-------------------------------------|------------------------------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600124705 Equistar Chemicals, LP | Classification: AVERAGE | Rating: 2.92      |
| Regulated Entity:                   | RN100542281 CHANNELVIEW COMPLEX    | Classification: AVERAGE | Site Rating: 2.33 |

| ID Number(s):          | ACCOUNT NUMBER | HG0033B      |
|------------------------|----------------|--------------|
| AIR OPERATING PERMITS  | PERMIT         | 1426         |
| AIR OPERATING PERMITS  | PERMIT         | 2174         |
| AIR OPERATING PERMITS  | PERMIT         | 2175         |
| AIR OPERATING PERMITS  | PERMIT         | 2176         |
| AIR OPERATING PERMITS  | PERMIT         | 2177         |
| AIR OPERATING PERMITS  | PERMIT         | 2178         |
| AIR OPERATING PERMITS  | PERMIT         | 2179         |
| AIR OPERATING PERMITS  | PERMIT         | 2180         |
| AIR OPERATING PERMITS  | PERMIT         | 2181         |
| AIR OPERATING PERMITS  | PERMIT         | 2182         |
| AIR OPERATING PERMITS  | PERMIT         | 2183         |
| AIR OPERATING PERMITS  | PERMIT         | 2184         |
| AIR OPERATING PERMITS  | PERMIT         | 2185         |
| WASTEWATER             | PERMIT         | WQ0000391000 |
| WASTEWATER             | PERMIT         | TPDES0003531 |
| WASTEWATER             | PERMIT         | TX0003531    |
| AIR NEW SOURCE PERMITS | PERMIT         | 1768         |
| AIR NEW SOURCE PERMITS | PERMIT         | 2128         |
| AIR NEW SOURCE PERMITS | PERMIT         | 2933         |
| AIR NEW SOURCE PERMITS | PERMIT         | 2935         |
| AIR NEW SOURCE PERMITS | PERMIT         | 2936         |
| AIR NEW SOURCE PERMITS | PERMIT         | 3130A        |
| AIR NEW SOURCE PERMITS | PERMIT         | 3294         |
| AIR NEW SOURCE PERMITS | PERMIT         | 3627         |
| AIR NEW SOURCE PERMITS | PERMIT         | 6245         |
| AIR NEW SOURCE PERMITS | PERMIT         | 6387         |
| AIR NEW SOURCE PERMITS | PERMIT         | 8123         |
| AIR NEW SOURCE PERMITS | PERMIT         | 8125         |
| AIR NEW SOURCE PERMITS | PERMIT         | 10586        |
| AIR NEW SOURCE PERMITS | PERMIT         | 10700        |
| AIR NEW SOURCE PERMITS | PERMIT         | 10812        |
| AIR NEW SOURCE PERMITS | PERMIT         | 11735        |
| AIR NEW SOURCE PERMITS | PERMIT         | 12334        |
| AIR NEW SOURCE PERMITS | PERMIT         | 13849        |
| AIR NEW SOURCE PERMITS | PERMIT         | 15348        |
| AIR NEW SOURCE PERMITS | PERMIT         | 12341        |
| AIR NEW SOURCE PERMITS | PERMIT         | 22779        |
| AIR NEW SOURCE PERMITS | PERMIT         | 23079        |
| AIR NEW SOURCE PERMITS | PERMIT         | 24677        |
| AIR NEW SOURCE PERMITS | PERMIT         | 24887        |
| AIR NEW SOURCE PERMITS | PERMIT         | 30868        |
| AIR NEW SOURCE PERMITS | PERMIT         | 32324        |
| AIR NEW SOURCE PERMITS | PERMIT         | 32136        |
| AIR NEW SOURCE PERMITS | PERMIT         | 32629        |
| AIR NEW SOURCE PERMITS | PERMIT         | 33899        |
| AIR NEW SOURCE PERMITS | PERMIT         | 34897        |
| AIR NEW SOURCE PERMITS | PERMIT         | 42948        |
| AIR NEW SOURCE PERMITS | PERMIT         | 45332        |
| AIR NEW SOURCE PERMITS | PERMIT         | 47487        |
| AIR NEW SOURCE PERMITS | PERMIT         | 50141        |
| AIR NEW SOURCE PERMITS | PERMIT         | 50142        |
| AIR NEW SOURCE PERMITS | PERMIT         | 50165        |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HG0033B      |
| AIR NEW SOURCE PERMITS | PERMIT         | 52720        |

|                        |              |            |
|------------------------|--------------|------------|
| AIR NEW SOURCE PERMITS | PERMIT       | 54098      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76017      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75881      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76313      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76277      |
| AIR NEW SOURCE PERMITS | AFS NUM      | 4820100075 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 56137      |
| AIR NEW SOURCE PERMITS | PERMIT       | PSDTX991   |
| AIR NEW SOURCE PERMITS | PERMIT       | 49120      |
| AIR NEW SOURCE PERMITS | PERMIT       | 49130      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72713      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74110      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73859      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72948      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72946      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74051      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74374      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74563      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74181      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74944      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74949      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75322      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76778      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76791      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76651      |
| AIR NEW SOURCE PERMITS | EPA ID       | PSDTX993   |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76666      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77318      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77619      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77640      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76693      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78024      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78069      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78128      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78108      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77631      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78278      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78343      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78191      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78252      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78560      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78173      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78197      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78772      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78381      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78819      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79261      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79431      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79460      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78599      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78978      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79892      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79647      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79712      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80296      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80137      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79938      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80914      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80689      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80597      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81543      |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81190      |

|  |                                  |              |
|--|----------------------------------|--------------|
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 81189        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 81759        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 81636        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 81630        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 82226        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 81716        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 81930        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 82538        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 85128        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84818        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 85442        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 85303        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84079        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84091        |
| AIR NEW SOURCE PERMITS                                   | PERMIT                           | 83799        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84183        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84715        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84149        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84502        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84076        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84651        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84381        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 85308        |
| AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 84541        |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION                | EPA ID                           | TXD058275769 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION                | SOLID WASTE REGISTRATION # (SWR) | 30030        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE                   | PERMIT                           | 50117        |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE                   | PERMIT                           | 50117        |
| UNDERGROUND INJECTION CONTROL PUBLIC WATER SYSTEM/SUPPLY | PERMIT                           | WDW036       |
| WATER LICENSING  | REGISTRATION                     | 1011578      |
| IHW CORRECTIVE ACTION                                    | LICENSE                          | 1011578      |
|  | SOLID WASTE REGISTRATION # (SWR) | 30030        |

Location: 8280 SHELDON RD, CHANNELVIEW, TX, 77530 Rating Date: 9/1/2007  
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 10, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 10, 2003 to July 10, 2008

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

Name: Harvey Wilson Phone: 239-0321

**Site Compliance History Components**

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

**Components (Multimedia) for the Site :**

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 12/02/2006

ADMINORDER 2006-0515-AIR-E

Classification: Moderate

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

Rqmt Prov: S.C. 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions from an aboveground storage tank pressure safety valve.

Effective Date: 05/22/2008

ADMINORDER 2007-1230-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: Permit # 2128 SC 1 PA

Description: As evidenced by Findings of Fact No. 3, Equistar failed to prevent unauthorized emissions during an April 4, 2007 emissions event, in violation of Air Permit No. 2128, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Air Permit #2933, SC#1 PA

Description: As evidenced by Findings of Fact No. 4, Equistar failed to prevent unauthorized emissions during a January 8, 2007 emissions event, in violation of Air Permit No. 2933, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emissions were unauthorized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Effective Date: 06/19/2008

ADMINORDER 2007-0493-AIR-E

Classification: Minor

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

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

Rqmt Prov: FOP O-02177 SC 10 OP  
FOP O-02177 SC 1A OP

NSR 22779 SC 8(E) PA

Description: Failed to cap 4 open-ended lines.

Classification: Moderate

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

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

Rqmt Prov: FOP O-02177 SC 10 OP  
FOP O-02177 SC 1A OP

NSR 22779 SC 6(A) PA

Description: Failed to operate flare within required heat input of 300 Btu/scf.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-02177 SC 1.J(ii) OP  
Description: Failed to report corrective actions within the required time frame.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01277 SC 1.J(ii) OP  
Description: Failed to calibrate the Poly Butadiene unit flare analyzer.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
5C THC Chapter 382, SubChapter D 382.085(b)  
  
5C THSC Chapter 382 382.054

Description: Failed to obtain authorization for emissions sources and their associated emissions prior to operation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02177 SC 10 OP  
NSR 49120 SC 1 PA

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02177 SC 1A OP

Description: Failed to maintain sufficient records to demonstrate continuous compliance with VOC water separator exemption criteria.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02177 SC 10 OP

FOP O-02177 SC 1A OP  
NSR 22779 SC 8(l) PA

Description: The Respondent failed to repair a leaking valve during a scheduled shutdown.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.127(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02181 SC 1A OP

Description: Failed to use a continuous monitoring recorder on the Methanol Skid (ECULR2MEOH).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.244  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02181 SC 6C(iv) OP

Description: Failed to perform daily inspections of the fuel dispensing facilities.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)(ii).  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-02181 SC 6B(ii) OP  
FOP O-02181 SC1A OP

Description: Failed to provide proper emissions control for waste material.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-02181 SC 7A OP  
FOP O-02181 SC1A OP

Description: Failed to comply with restrictions on engine operating hours in an ozone nonattainment area.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-02181 SC 1A OP  
FOP O-02181 SC 7E OP

Description: Failure to record the start and stop times of diesel pump.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.144(4)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02181 SC 1A OP

Description: Failed to demonstrate VOC reduction efficiency for the ECUABEAST bio-treatment unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to timely conduct flare analyzer calibrations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)

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

Description: Failed to comply with the requirements of malfunction reporting for the wastewater steam stripper (EUTT8802).

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 115.352(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)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02181 SC 1A OP  
FOP O-02181 SC 22 OP

NSR 2128 SC 8(E) PA

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

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include PBR claims in a FOP.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: FOP O-02178 SC 10 OP  
FOP O-02178 SC 1A OP

NSR 24677 SC 1 PA

Description: Exceeded permitted emissions limits from tank TK-2810.

Classification: Moderate

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

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

Rqmt Prov: FOP O-02178 SC 10 OP  
NSR 24677 SC 11F PA

NSR 24677 SC 13 PA

Description: Failed to install rupture disc and pressure gauges on three safety relief valves (EPM F28E00) in the Styrene Maleic Anhydride unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: STC 10 OP

Description: Failed to accurately represent operating temperatures for tote EPN 28E37 in the permit representations.

Classification: Moderate

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

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

Rqmt Prov: FOP -02178 SC 10 OP  
NSR 24677 SC 9C PA

Description: Failed to perform closed loop cumene sampling.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-02178 SC 1A OP

Description: Failed to maintain continuous records of fuel flow for Heater MSMHT2801B.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-02178 SC 3 OP

Description: Failed to prevent visible emissions from Dust Collector EPN28E29.

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.)

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| 247 | 02/22/2007 | (485046) |
| 248 | 02/22/2007 | (574936) |
| 249 | 02/27/2007 | (532597) |
| 250 | 03/21/2007 | (532595) |
| 251 | 03/23/2007 | (574937) |
| 252 | 04/05/2007 | (532607) |
| 253 | 04/10/2007 | (532608) |
| 254 | 04/12/2007 | (541831) |
| 255 | 04/12/2007 | (554839) |
| 256 | 04/18/2007 | (593172) |
| 257 | 04/23/2007 | (539454) |
| 258 | 04/23/2007 | (574938) |
| 259 | 05/23/2007 | (574939) |
| 260 | 06/25/2007 | (574940) |
| 261 | 06/27/2007 | (560042) |
| 262 | 07/18/2007 | (556815) |
| 263 | 07/18/2007 | (566602) |
| 264 | 07/24/2007 | (567353) |
| 265 | 07/28/2007 | (574941) |
| 266 | 07/30/2007 | (543338) |
| 267 | 08/03/2007 | (543345) |
| 268 | 08/06/2007 | (607498) |
| 269 | 08/06/2007 | (568530) |
| 270 | 08/06/2007 | (568542) |
| 271 | 08/09/2007 | (563012) |
| 272 | 08/09/2007 | (562982) |
| 273 | 08/10/2007 | (563023) |
| 274 | 08/10/2007 | (564946) |
| 275 | 08/10/2007 | (562990) |
| 276 | 08/20/2007 | (564294) |
| 277 | 08/20/2007 | (564360) |
| 278 | 08/20/2007 | (564331) |
| 279 | 08/22/2007 | (607499) |
| 280 | 08/23/2007 | (571675) |
| 281 | 08/24/2007 | (543303) |
| 282 | 08/24/2007 | (543306) |
| 283 | 09/24/2007 | (607500) |
| 284 | 09/28/2007 | (564932) |
| 285 | 09/28/2007 | (564856) |
| 286 | 09/28/2007 | (563816) |
| 287 | 09/28/2007 | (566320) |
| 288 | 10/04/2007 | (565773) |
| 289 | 10/10/2007 | (566558) |
| 290 | 10/10/2007 | (566616) |
| 291 | 10/10/2007 | (565969) |
| 292 | 10/12/2007 | (572267) |
| 293 | 10/12/2007 | (572362) |
| 294 | 10/12/2007 | (571938) |
| 295 | 10/12/2007 | (572252) |
| 296 | 10/12/2007 | (572220) |
| 297 | 10/12/2007 | (572404) |
| 298 | 10/15/2007 | (572176) |
| 299 | 10/16/2007 | (593759) |

|     |            |          |
|-----|------------|----------|
| 300 | 10/23/2007 | (619405) |
| 301 | 11/19/2007 | (619406) |
| 302 | 11/19/2007 | (594272) |
| 303 | 11/26/2007 | (570252) |
| 304 | 11/26/2007 | (570346) |
| 305 | 11/26/2007 | (570313) |
| 306 | 11/26/2007 | (570400) |
| 307 | 11/26/2007 | (570316) |
| 308 | 11/28/2007 | (596225) |
| 309 | 12/07/2007 | (568066) |
| 310 | 12/07/2007 | (568047) |
| 311 | 12/07/2007 | (568347) |
| 312 | 12/07/2007 | (568368) |
| 313 | 12/07/2007 | (568153) |
| 314 | 12/07/2007 | (568076) |
| 315 | 12/17/2007 | (608808) |
| 316 | 12/27/2007 | (619407) |
| 317 | 01/02/2008 | (595848) |
| 318 | 01/02/2008 | (599541) |
| 319 | 01/03/2008 | (599950) |
| 320 | 01/03/2008 | (599518) |
| 321 | 01/08/2008 | (600740) |
| 322 | 01/10/2008 | (600765) |
| 323 | 01/10/2008 | (613652) |
| 324 | 01/22/2008 | (671912) |
| 325 | 01/23/2008 | (614499) |
| 326 | 01/25/2008 | (615980) |
| 327 | 01/28/2008 | (616242) |
| 328 | 01/28/2008 | (615871) |
| 329 | 01/29/2008 | (610831) |
| 330 | 02/15/2008 | (615597) |
| 331 | 02/25/2008 | (671910) |
| 332 | 03/06/2008 | (610691) |
| 333 | 03/06/2008 | (596061) |
| 334 | 03/19/2008 | (616259) |
| 335 | 03/19/2008 | (616201) |
| 336 | 03/19/2008 | (616236) |
| 337 | 03/20/2008 | (671911) |
| 338 | 03/26/2008 | (637649) |
| 339 | 03/27/2008 | (611770) |
| 340 | 04/04/2008 | (610663) |
| 341 | 04/24/2008 | (637133) |
| 342 | 04/29/2008 | (641446) |
| 343 | 05/02/2008 | (610690) |
| 344 | 05/06/2008 | (638445) |
| 345 | 05/06/2008 | (638471) |
| 346 | 05/06/2008 | (638391) |
| 347 | 05/08/2008 | (638556) |
| 348 | 05/16/2008 | (639472) |
| 349 | 05/16/2008 | (639245) |
| 350 | 05/23/2008 | (639094) |
| 351 | 06/06/2008 | (682324) |
| 352 | 06/16/2008 | (610615) |
| 353 | 06/17/2008 | (636281) |
| 354 | 07/03/2008 | (636094) |
| 355 | 07/03/2008 | (681436) |
| 356 | 07/07/2008 | (654572) |
| 357 | 07/09/2008 | (683399) |

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

Date: 07/31/2003 (294651)

Self Report? YES

Classification: Moderate

|              |   |                 |          |
|--------------|---|-----------------|----------|
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)                       |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |                 |          |
| Date:        | 08/31/2003 (294653)   |                 |          |
| Self Report? | YES   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)                       |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |                 |          |
| Date:        | 09/30/2003 (294655)   |                 |          |
| Self Report? | YES   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)                       |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |                 |          |
| Date:        | 10/01/2003 (248879)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)   |                 |          |
| Description: | Failure to comply with the MAERT limit for EPN: 44E10.  |                 |          |
| Date:        | 10/01/2003 (248243)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)   |                 |          |
| Description: | Failure to comply with the MAERT limit.   |                 |          |
| Date:        | 10/01/2003 (249082)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.116(a)(1)<br>5C THC Chapter 382, SubChapter A 382.085(b) |                 |          |
| Description: | Failure to torque the flange properly.  |                 |          |
| Date:        | 10/01/2003 (249144)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)   |                 |          |
| Description: | Failure to comply with the MAERT limit for EPN 17E01  |                 |          |
| Date:        | 10/01/2003 (249301)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)   |                 |          |
| Description: | Failure to comply with permit limit for VOC, CO and NO (EPN: 48E01).                          |                 |          |
| Date:        | 10/01/2003 (249012)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)   |                 |          |
| Description: | Failure to comply with the MAERT limit for EPN 6E07.  |                 |          |
| Date:        | 10/01/2003 (249172)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  |                 |          |
| Description: | Failure to submit the initial report within 24 hours.   |                 |          |
| Date:        | 10/01/2003 (248981)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.116(a)(1)<br>5C THC Chapter 382, SubChapter A 382.085(b) |                 |          |
| Description: | Failure to comply with the state rule 30 TAC 116.116(a)(1).                                   |                 |          |
| Date:        | 02/29/2004 (294642)   |                 |          |
| Self Report? | YES   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)                       |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |                 |          |
| Date:        | 07/13/2004 (260492)   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>5C THC Chapter 382, SubChapter A 382.085(b)    |                 |          |
| Rqmt Prov:   | PERMIT TCEQ AIR PERMIT #1768, SC #1   |                 |          |
| Description: | Exceeded VOC emissions limits during an avoidable emissions event.                            |                 |          |

Date: 07/19/2004 (260586)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failed to identify the facility name in an emissions event notification.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)  
 Description: Equistar failed to submit an electronic final emissions event notification.  
 Date: 07/28/2004 (259476)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Exceeded permit limits during an avoidable emissions event.  
 Date: 08/11/2004 (263553)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failed to speciate VOC in the Initial Notification and Final Report submitted for an avoidable emissions event.  
 Date: 08/27/2004 (265746)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
 Description: Equistar failed to properly complete and submit an emissions event notification.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Equistar exceeded permit limits during an avoidable emissions event.  
 Date: 08/29/2004 (268291)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Equistar exceeded VOC permit limit.  
 Date: 08/31/2004 (272796)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failed to submit administratively complete emissions event notifications.  
 Date: 08/31/2004 (271963)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(F)  
 30 TAC Chapter 101, SubChapter F 101.211(b)(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Equistar was not in compliance with the maintenance, startup, and shutdown rules.  
 Date: 10/31/2004 (351832)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/27/2004 (276826)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Air Permit No. 2933, GC #8  
 Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/03/2005 (286756)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 22779  
 Description: Equistar failed to prevent an avoidable emissions event.  
 Date: 01/04/2005 (339104)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Equistar failed to prevent an avoidable emissions event.  
 Date: 01/10/2005 (343232)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)  
 Description: Failure to provide an adequate ground storage capacity.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
 Description: Failure to provide a minimum pressure tank capacity of 220 gallons.  
 Date: 04/20/2005 (372583)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)  
 Description: Equistar failed to submit the Final Report electronically.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT Permit No. 22779, Special Condition No. 1  
 Description: Equistar failed to prevent an avoidable emissions event.  
 Date: 08/05/2005 (381400)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: Failure to test within 60 days following installation of NOx control equipment on furnace 3403.  
 Date: 08/05/2005 (393207)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4406.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: Failure to test within 60 days following installation of NOx control equipment on F4410.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4401.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 3401.  
 Date: 08/05/2005 (392610)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)  
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4404.  
 Date: 08/10/2005 (404514)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ Permit #2128, GC #8  
Description: Failure to prevent a leak in Tower T-301.  
Date: 09/13/2005 (431694)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(II)  
Description: Failure to provide an adequate ground storage capacity.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
Description: Failure to provide a minimum pressure tank capacity of 220 gallons.  
Date: 11/18/2005 (437299)

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT 3130A, SC No. 4  
OP O02179, ST&C No. 10

Description: Failure to operate within pumping rates of Polyols(KOH) and (IMPACT).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)  
Description: Failure to install the totalizing fuel flow meter on EGBVC6904.  
Date: 12/08/2005 (434728)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(3)  
Description: Failure to submit the off-permit notification for claiming the permit by rule for flare emissions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(6)  
Description: Failure to register the PBR within 10 of increase in flare emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Rqmt Prov: PERMIT 49130, S.C. No.5  
OP O-02180, S.C No.1A

Description: Failure to follow the fugitive monitoring for 172 valves and 5 pumps in the Isopropanol Unit

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP O-02180, SC. 1.A

Description: Failure to have required information on tags attached to visual fugitive leaks

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT 49130, SC 5.E  
OP O-02180, SC 1.A

Description: Failure to cap or plug the five open-ended lines in VOC service

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 49130, S.C 7  
OP O-02180, S.C 11

Description: Failure to follow the procedure described in Appendix P, Section 5.5.1 for monitoring the cooling tower (CT-2401) as required by the permit condition

Self Report? NO Classification: Moderate

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

Description: Failure to report the deviations regarding the cooling tower monitoring in the deviation reports

Date: 12/19/2005 (438915)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)

Description: Failure to submit the federal operating permit (O-02177) minor revision application concurrent with the permit amendment issued on July 26, 2005 and permit by rules claimed in 1997 and 2002.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 22779, SC 1  
OP O-02177, STC 10

Description: Failure to operate tanks and loading arms within maximum allowable emission rates as permitted in the NSR permit 22779.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 22779, SC 8  
OP O-02177, STC 10

Description: Failure to initiate the fugitive monitoring for 22 valves and 3 pumps in the Polybutadiene Unit.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 22779, SC 8.E  
OP O-02177, STC 10

Description: Failure to cap or plug the five open-ended lines in VOC service

Date: 12/31/2005 (440659)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

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

Date: 02/22/2006 (450109)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 24887 SC1.E  
OP O02176, SC 15

Description: Failure to cap or plug the eighty five (85) open-ended lines in VOC service

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 122, SubChapter C 122.222(k)(3)

Description: Failure to register the PBRs 106.261 and 106.262 within 10 days of addition of a flare analyzer and failure to make off-permit notification concurrently.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)

Description: Failure to represent the several sources that are subject to 30 TAC 111 rules in the Title V Operating Permit.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 24887, SC 1  
OP O02176, SC 15

Description: Failure to include 19 valves and 39 connectors associated with sample systems and failure to include 5 pumps, 38 valves, 104 connectors, and 4 sample points in the fugitive monitoring database.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142

30 TAC Chapter 122, SubChapter B 122.143(4)  
 Rqmt Prov: OP 002176, SC 5  
 Description: Failure to control the wastewater streams as required by 30 TAC 115.142.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)

Rqmt Prov: OP 002176, SC 1.A  
 Description: Failure to make the tank seal inspection notification 30 days in advance.  
 Date: 02/28/2006 (451788)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PA NSR Permit No. 8125, SC 6E  
 Description: Failure to plug two open-ended-lines.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)  
 Description: Failure to install fuel flow meter on Diesel Engine, P-3314.  
 Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)  
 Description: Failure to include compressor information in the HON Subpart H Semiannual report.

Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(a)  
 Description: Failure to maintain appropriate records of 220 connectors, 6 instrument systems, 4 PSVs, 2 pumps, and 101 valves.  
 Date: 03/24/2006 (457373)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(II)  
 Description: Failure to provide an adequate ground storage capacity.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
 Description: Failure to provide a minimum pressure tank capacity of 220 gallons.  
 Date: 03/28/2006 (453139)

Self Report? NO 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)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA NSR Permit No 2936, SC 10E  
 OP O-02182 Special Terms and Condition 15  
 Description: Failed to plug 20 open-ended lines.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter C 122.222(k)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02181 General Terms and Condition  
 Description: The facility failed to register two tanks and one cooling tower within ten (10) days of change as required during August 19, 2004 through November 22, 2004.  
 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)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02182 General Terms and Condition  
 Description: Failure to include compressor information in the HON Subpart H semiannual report for the reporting period from February 28, 2005 through August 19, 2005.  
 Self Report? NO Classification: Minor  
 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)  
 5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** PA Special Condition No. 10F  
 OP Special Terms and Condition 15

**Description:** failure to monitor 59 valves that were marked as unsafe to monitor during the third quarter of 2004 from August 19, 2004 through September 30, 2004.

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

**Citation:** 30 TAC Chapter 115, SubChapter D 115.354(5)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP General Terms and Condition

**Description:** failure to put identification number for the leaking fugitive valves during August 19, 2004 through August 19, 2005.

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

**Citation:** 30 TAC Chapter 115, SubChapter D 115.354  
 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 63.162(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP Special Terms and Condition 15

**Description:** failure to include 89 connectors, 27 valves, and 19 pumps in the fugitive monitoring program during the third quarter of 2004 from August 19, 2004 through September 30, 2004.

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP General Terms and Condition

**Description:** failure to obtain a permit by rule (PBR) for the emission point no. SP-4010.

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

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

**Rqmt Prov:** OP General Terms and Conditions

**Description:** failure to seal the external floating roof tank, TK-3112. The gasket on the rim vent was missing.

**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 THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** PA SC No 1 of NSR Permit No. 2936.  
 OP Special Terms and Conditions 15

**Description:** failure to obtain appropriate authorization for storing hydrocarbons for the tanks, TK-3113 and TK-3114.

**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 THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** PA Special Condition 1  
 OP Special Terms and Condition 15

**Description:** failure to comply with the pounds per hour of VOC emission limit for tank No. TK-4002 of TCEQ Air Permit 2936.

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

**Rqmt Prov:** OP General Terms and Conditions

**Description:** failure to obtain a permit by rule (PBR) for the analyzer vent.

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

**Citation:** 30 TAC Chapter 122, SubChapter B 122.132(a)

5C THC Chapter 382, SubChapter A 382.085(b)  
**Description:** Failure to include all the emission authorizations for the cooling tower were not represented in the title V permit.

**Date:** 03/29/2006 (459500)

**Self Report?** NO **Classification:** Moderate

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

**Rqmt Prov:** PERMIT TCEQ Permit No. 2128

**Description:** Failure to prevent the release of unauthorized emissions from a railroad tank car PSV.

**Date:** 03/31/2006 (455940)

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

**Citation:** 30 TAC Chapter 122, SubChapter B 122.142(b)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Description:** Failure to represent the two sources that are subject to 30 TAC 111 rules in the Title V Operating Permit O-02175.

**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 THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 6245, SC 1  
 OP O02175, STC 10

**Description:** Failure to operate tanks (TK30 & TK31) within maximum allowable emission rates as permitted in the NSR permit 6245.

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 6245, SC 7.E  
 OP O02175, STC 10  
 OP O02175, STC 1A

**Description:** Failure to cap or plug the thirty-eight (38) open-ended lines in VOC service (C5 recovery unit).

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O02175, STC 1A

**Description:** Failure to equip the dimer drum feed sampling connection system with closed loop.

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.354(5)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O02175, STC 1A

**Description:** Failure to have required information on tags attached to visual fugitive leaks

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352  
 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 60.482-1(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 6245, SC 7

OP 002175, STC 10  
 OP 002175, STC 1A  
 Description: Failure to include 2 pumps, 32 valves, and 103 connectors in the C5 recovery unit in fugitive monitoring database.

Date: 05/16/2006 (463873)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Permit No. 2128  
 Description: Failure to prevent the release of unauthorized emissions from a leaking pipeline due to the removal of a blind.

Date: 05/24/2006 (465260)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to correctly represent the HON storage vessel provisions, HON container provisions, and 30 TAC 111 rules in the Title V Operating Permit O-02185.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 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)(ii)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02185, STC 16  
 OP O-02185, STC 1A  
 PERMIT Permit 6387, SC 2  
 Description: Failure to equip gasket on sample hatch cover and failure to have physical fasteners on float well cover on external floating roof tank (Tank 26).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 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(b)(6)  
 Rqmt Prov: PERMIT 6387, SC 2  
 OP O-02185, STC 16  
 OP O-02185, STC 1A  
 Description: Failure to cover all the openings on internal floating roof tanks: Tank 37 and Tank 47 and failure to have physical fasteners on float well covers on internal floating roof tanks: Tank 37, 48, and 49.

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(b)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 6387, SC 2  
 OP O-02185, STC 1A  
 OP O-02185, STC 16  
 Description: Failure to keep the floating roof of Tank 47 always in contact with liquid surface during the regular operations.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 6387, SC 4.A  
 OP O-02185, STC 16  
 Description: Failure to obtain authorization for the emissions resulted from analyzer vents in the MTBE Unit

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 THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 6387, SC 2  
 OP O-02185, STC 1.A  
 OP O-02185, STC 16

**Description:** Failure to cap or plug the sixty-one (61) open-ended lines in VOC service in MTBE Unit.

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

**Citation:** 30 TAC Chapter 115, SubChapter D 115.354(5)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O-02185, STC 1.A

**Description:** Failure to have required information on tags attached to visual fugitive leaks in the MTBE Unit.

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

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352  
 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(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 6387, SC 5  
 OP O-02185, STC 1.A  
 OP O-02185, STC 16

**Description:** Failure to include 2 valves in the MTBE Unit in fugitive monitoring database and comply with the fugitive monitoring requirements.

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter B 115.142  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP O-02185, SC 5

**Description:** Failure to control the one wastewater stream (T-1215) as required by 30 TAC 115.142 in MTBE Unit.

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)

**Rqmt Prov:** PERMIT 6387, SC 2  
 OP O-02185, STC 1.A  
 OP O-02185, STC 16

**Description:** Failure to make the tank seal inspection (Tank-26) notification 30 days in advance in MTBE Unit.

**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 THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT 6387, SC 2  
 OP O-02185, STC 1.A  
 OP O-02185, STC 16

**Description:** Failure to comply with HON process wastewater provisions for two containers in MTBE Unit.

**Date:** 06/26/2006 (464019)

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 319, SubChapter A 319.7(a)

**Rqmt Prov:** PERMIT 00391-000

**Description:** Failure to document the sample collection time and the identify of the sample personnel for the Outfall 001 24 hour composite samples.

Date: 07/28/2006 (484749)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT No. 22779, Special Condition No. 1  
 Description: Equistar failed to prevent this emissions event  
 Date: 08/15/2006 (489890)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Description: Failure to update Notice of Registration  
 Date: 08/16/2006 (457265)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(e)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to control emissions from drum D3075 and from tank TK20.  
 Self Report? NO Classification: Moderate  
 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 H 63.167(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 2128, SC 10E  
 OP O-02184, ST&C 18  
 OP O-02184, ST&C 1A  
 Description: Failure to cap or plug 174 open ended lines in VOC service.  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(f)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to have a Startup/Shutdown/Malfunction plan to address visible emissions from east plant flare.  
 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)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02184, ST&C 1A  
 Description: Failure to conduct monthly monitoring on 4 HON pumps in January 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 63.166(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02184, ST&C 1A  
 Description: Failure to equip a sample point with a closed loop system on reactor effluent and T1204 overhead.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
 30 TAC Chapter 115, SubChapter H 115.782(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP O-02184, ST&C 1H  
 Description: Failure to have identification numbers on the fugitive leak tags attached to 51 components.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.132(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to authorize emissions from sampling in the tank farm.

|              |  |                 |          |
|--------------|--|-----------------|----------|
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter D 115.352(1)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THC Chapter 382, SubChapter D 382.085(b) |                 |          |
| Rqmt Prov:   | PERMIT 2128, SC 10<br>OP O-02184, ST&C 18<br>OP O-02184, ST&C 1A   |                 |          |
| Description: | Failure to include 16 pumps, 45 valves, and 292 connectors in the fugitive monitoring database.  |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.143(4)<br>40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)<br>5C THC Chapter 382, SubChapter D 382.085(b)                                  |                 |          |
| Rqmt Prov:   | OP O-02184, ST&C 13  |                 |          |
| Description: | Failure to control emissions from 3 wastewater streams (D-78, D-3055, D-03102).  |                 |          |
| Date:        | 11/30/2006   | (544284)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)  |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                 |          |
| Date:        | 02/01/2007   | (538420)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>5C THC Chapter 382, SubChapter A 382.085(b)   |                 |          |
| Rqmt Prov:   | PERMIT 2933 Special Condition 1  |                 |          |
| Description: | Failure to prevent process water collection system back-up.  |                 |          |
| Date:        | 03/31/2007   | (574938)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)  |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                 |          |
| Date:        | 04/11/2007   | (532608)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.132(a)<br>5C THC Chapter 382, SubChapter D 382.085(b)   |                 |          |
| Description: | Failure to include Polyols loading emissions in federal operating permit O-02179.  |                 |          |
| Date:        | 04/18/2007   | (593172)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>30 TAC Chapter 305, SubChapter F 305.125(17)  |                 |          |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE   |                 |          |
| Date:        | 07/24/2007   | (567353)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(c)<br>5C THC Chapter 382, SubChapter D 382.085(b)   |                 |          |
| Rqmt Prov:   | PERMIT No. 1768, Special Condition No. 1   |                 |          |
| Description: | Equistar failed to prevent a hole in a 1/4 inch nipple off of the flow orifice of the charge gas compressor.   |                 |          |
| Date:        | 07/31/2007   | (607499)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                 |          |
| Date:        | 07/31/2007   | (543338)        |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter D 115.352(4)<br>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)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP FOP O-02175 SC 12  
 OP FOP O-02175 SC 1A  
 PA NSR 6245 SC 7(E)

**Description:** Failure to equip lines in VOC service with caps/plugs from January 24 through December 6, 2006 (NSR 6245; FOP O-02175).

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter D 115.354(5)  
 30 TAC Chapter 115, SubChapter H 115.782(a)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP FOP O-02175 SC 12  
 OP FOP O-02175 SC 1A  
 PA NSR 6245 SC 7(H)

**Description:** Failure to equip leaking pumps in VOC and HRVOC service with the required tags from January 10 through May 8, 2006 (NSR 6245; FOP O-02175).

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP FOP O-02175 SC 12  
 OP FOP O-02175 SC 1A  
 PA NSR 6245 SC 7(I)

**Description:** Failure to repair pumps and connectors within the required time frames (NSR 6245; FOP O-02175).

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

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(iv)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP FOP O-02175 SC 1A

**Description:** Failure to submit an accurate semiannual report on August 29, 2006 for fugitive equipment leak components subject to NSPS subpart VV to indicate that leaking pumps were on delay of repair list (NSR 6245; FOP O-02175).

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

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP FOP O-02175 SC 1A

**Description:** Failure to submit an accurate semiannual report on August 29, 2006 for fugitive equipment leak components subject to NSPS subpart VV to indicate the reason that leaking pumps were on delay of repair list (NSR 6245; FOP O-02175).

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** OP FOP O-02175 SC 12  
 OP FOP O-02175 SC 1A  
 PA NSR 6245 SC 7

**Description:** Equistar failed to include 21 connectors and 8 valves in the C5 Recovery LDAR monitoring program (NSR 6245; FOP O-02175).

**Date:** 11/30/2007 (619407)

**Self Report?** YES **Classification:** Moderate

**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

**Date:** 03/06/2008 (610691)

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

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)  
 5C THSC Chapter 382 382.085(b)

**Rqmt Prov:** OP O-02180 Special Condition #1A

**Description:** Failure to have the required bolts on the float well gauges.

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

**Citation:** 30 TAC Chapter 115, SubChapter H 115.725  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

**Rqmt Prov:** OP O-02180 Special Condition #1J

**Description:** Failure to conduct the initial and quarterly multi-point calibrations.

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

**Citation:** 30 TAC Chapter 115, SubChapter H 115.722(d)(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)

**Rqmt Prov:** PERMIT 49130 Special Condition #8A  
 OP O-02180 Special Condition #1(J)  
 OP O-02180 Special Condition #11

**Description:** Failure to not exceed actual flare tip velocity.

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

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)  
 40 CFR Chapter 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)

**Rqmt Prov:** OP O-02180 Special Condition #1A

**Description:** Failure to seal the tank's, MIPTK2615, vacuum vent that was found open during an annual inspection.

**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 THSC Chapter 382 382.085(b)

**Rqmt Prov:** OP O-02180 Special Condition #1(I)

**Description:** Failure to conduct engine testing during appropriate operating hours.

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

**Citation:** 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 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)

**Rqmt Prov:** OP O-02180 Special Condition #11  
 OP O-02180 Special Condition #1J  
 PERMIT Special Condition #8A

**Description:** Velocity to the flare, MIPFL2501, was exceeded during the process of activating the reactor catalyst during nine one hour periods.

**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 Part 60, Subpart VV 60.482-6  
 5C THSC Chapter 382 382.085(b)

**Rqmt Prov:** PERMIT 49130 Special Condition #5E  
 OP O-02180 Special Condition #11  
 OP O-02180 Special Condition #1A

OP O-02180 Special Condition #1J  
 Description: Failure to prevent one open-ended line found in VOC service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 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)

Rqmt Prov: PERMIT 49130 Special Condition #8A  
 OP O-02180 Special Condition #11  
 OP O-02180 Special Condition #1J

Description: Permit limits to the flare, MIPFL2501, were exceeded due to incorrect factor used in permit calculation.

Date: 03/07/2008 (596061)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-02179 SC 10  
 PA NSR Permit 3130A SC 8E

Description: Failed to seal an open ended line.

Date: 03/27/2008 (611770)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.191(a)

Rqmt Prov: PERMIT PP II-C-2-h

Description: Tank system assessment and certification was not adequate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)(iii)

Rqmt Prov: PERMIT PP-II-C-2-h

Description: Coating for the secondary containment showed visible cracks.

Date: 04/04/2008 (610663)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP Special Condition (SC) #1A

Description: Failure to have bolts or fasteners on the float well gauge of Tanks 3102, 3111A, 3111B, and 3113 from August 20, 2006 through February 19, 2007 and February 20, 2007 through August 19, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP SC #1A

Description: Failure to have tank 3114's piping on the existing internal ladder way closed to the liquid from April 18, 2007 through July 27, 2007.

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 63.119(b)(1)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT SC #1  
 OP SC #s 1 and 15

Description: Failure to have Tank 3102 floating roof set on the roof legs on August 23, 2006. This constitutes a violation of New Source Review (NSR) Permit #2936, Special Condition (SC) #1 and 40 CFR 63.119(b)(1). (B19(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP SC #1K(iv)  
 Description: Failure to have cooling tower differential pressure fall below 5 psig for one minute on October 7, 2006. (B19(g)(1))  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP SC #1A  
 PERMIT SC #8E  
 Description: Failure to have an open ended line in volatile organic compound (VOC) service on February 9, 2007. This constitutes a violation of NSR Permit #2936, SC #10, 30 TAC 115.352(4), and 40 CFR 63.167(a)(1). (C10)  
 Date: 05/02/2008 (610690)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.203(a)(12)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP O-02181 Special Condition #1A  
 Description: Failure to prevent the diesel firewater pumps from exceeding the 100 hour runtime limit based on the rolling 12 month average.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT 2128 Special Condition #8E  
 PERMIT 24887 Special Condition #1E  
 PERMIT 49120 Special Condition #2D  
 PERMIT 6245 Special Condition #7E  
 OP O-02181 Special Condition #1(I)  
 OP O-02181 Special Condition #1A  
 OP O-02181 Special Condition #22  
 Description: Failure to seal 8 open-ended lines in VOC service.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP O-02181 Special Condition #1(I)  
 Description: Failure to perform the yearly preventative maintenance (PM).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.244  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP O-02181 Special Condition #6D  
 Description: Failure to conduct the Stage II vapor recovery daily inspection.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter S 106.433(2)(C)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP O-02181 Special Condition #22  
 Description: Failure to properly seal three containers of a solvent that were left open in the unit.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: OP O-02181 Special Condition #1A  
Description: Failure to maintain continuous monitoring data in historian for the Alkyl Flare volumetric flow.

Date: 06/16/2008 (610615)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP No. O-2183 ST&C 12

PERMIT Permit No. 8125, SC 1

Description: RE had unauthorized emissions of VOC for Methanol Tank TK-5102.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-2183, ST&C 12

PERMIT Permit No. 8125, SC 2B

Description: RE failed to ensure that the cap on the gauge float well was kept air-tight with a bolt or fastener on three tanks.

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP No. O-2183, ST&C 12

OP FOP No. O-2183, ST&C 1A

PERMIT Permit No. 8125, SC 6

Description: RE had failed to seal 3 open-ended lines in VOC service.

Date: 06/17/2008 (636281)

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)

Rqmt Prov: OP Special Condition #15

PERMIT Special Condition #1E

Description: Failure to seal 20 open-ended lines in VOC service.

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)

Rqmt Prov: OP Special Condition #15

PERMIT Special Condition #1F

Description: Failure to monitor two valves in VOC service.

Date: 07/03/2008 (636094)

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 H 63.167(a)(1)

Rqmt Prov: 5C THSC Chapter 382 382.085(b)  
 OP SC #18  
 PERMIT SC #8E  
 OP Special Condition (SC) #1A  
 Description: failure to seal twenty-five open ended lines in volatile organic compound service.  
 (Category C10)  
 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)  
 Rqmt Prov: PERMIT SC #1  
 OP SC #18  
 Description: failure to control unauthorized hourl emissions from reactors, R-309A, B, C.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(a)  
 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 63.162(f)(1)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP SC #18  
 OP SC #1A  
 PERMIT SC #8I  
 Description: failure to tag a leaking seal.  
 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)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP SC #1  
 OP SC #18  
 PERMIT SC #8I  
 Description: failure to make a first attempt for repair on two leaking components.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP SC #1A  
 Description: failure to follow Reference Method 21 for twenty-five components

F. Environmental audits.

Notice of Intent Date: 07/26/2005 (453654)  
 Disclosure Date: 10/06/2005  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Description: Failure to update NOR.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
 Description: Failure to classify waste prior to disposal.  
 Notice of Intent Date: 10/06/2005 (434934)  
 No DOV Associated  
 Notice of Intent Date: 11/28/2006 (534269)  
 No DOV Associated  
 Notice of Intent Date: 07/30/2007 (593548)  
 No DOV Associated  
 Notice of Intent Date: 08/16/2007 (593554)  
 No DOV Associated

Notice of Intent Date: 10/04/2007 (598705)

No DOV Associated

Notice of Intent Date: 10/04/2007 (598714)

No DOV Associated

Notice of Intent Date: 04/07/2008 (654966)

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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** EQUISTAR CHEMICALS LP CHANNELVIEW

**Reg Entity Add:** 8280 SHELDON RD.

**Reg Entity No:**

**Reg Entity City:** CHANNELVIEW

**RN100542281**

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**Customer Name:** Equistar Chemicals

**Customer No:** CN600124705

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**EPA Case No:** 06-2004-3409

**Order Issue Date (yyyymmdd):** 20080126

**Case Result:** Final Order with Penalty

**Statute:** CAA

**Sect of Statute:** 502

**Classification:** MODERATE

**Program:** NESHAPS

**Citation:**

**Violation Type:** Violation of NESHAP

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Consent Decree/Court Order

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EQUISTAR CHEMICALS, LP  
RN100542281**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-1474-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 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 BakerBotts LLP, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical plant producing benzene and toluene at 8280 Sheldon Road in Channelview, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Nine Thousand Two Hundred Fifty-Two Dollars (\$29,252) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). 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 Twenty-Nine Thousand Two Hundred Fifty-Two Dollars (\$29,252), as provided in Section IV, Paragraph 1 below. TCEQ shall not seek to collect such penalty except in accordance with applicable Bankruptcy law. The Respondent agrees to stipulate that, in accordance with the Agreed Order, TCEQ shall have an allowed general unsecured claim in the amount of Twenty-Nine Thousand Two Hundred Fifty-Two Dollars (\$29,252) which shall be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matter alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Open ended lines were capped or plugged and additional operator training was conducted on February 28, 2008, to ensure extra-ordinary repair efforts would take place within 14 days if a leak greater than 10,000 parts per million by volume ("ppmv") is found;
  - b. Corrected Deviation Reports ("DRs") listing all deviations were submitted on April 10, 2008, and additional operator training was conducted to ensure complete DRs are submitted in the future; and
  - c. Regenerative Vent R-4360A was re-tested on November 4, 2007 and the emissions were within permit limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to take extra-ordinary repair efforts within 14 days if a leak of greater than 10,000 ppmv is found. Specifically, valves (46-744 and 43-5367) at the Olefins #2 Unit were leaking at a rate greater than 10,000 ppmv and no extra-ordinary effort to repair was made within 14 calendar days of the discovery, in violation of 30 TEX. ADMIN. CODE § 115.782(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 14, 2008.
2. Failed to report all instances of deviations on DR. Specifically, the DR for the period March 14, 2005 through September 14, 2005 failed to report that components in the volatile organic compounds ("VOC") service were not monitored; the report for the period March 14, 2007 through September 14, 2007, failed to report that the diesel engine OP2EN1 failed the carbon monoxide ("CO") grams per horse power hour ("g/hp-hr") limit for the second quarter of 2007, and that continuous parameter monitoring records were lost during data transfer for wastewater treatment devices; and the report for the period September 15, 2006 through March 14, 2006, failed to report the Regenerative Vent R-4360A failed the Highly Reactive Volatile Organic Compound ("HRVOC") test and exceeded the permitted limits. The DRs were submitted on April 10, 2008, in violation of Federal Operating Permit ("FOP") No. O-2174 General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 14, 2008.
3. Failed to maintain Regenerative Vent R-4360A emissions within permit limits. Specifically, the permit limit for VOCs is 5.86 pounds per hour ("lbs/hr") and the stack test result for May 2007 was 48.3 lbs/hr, in violation of Federal Operating Permit No. O-2174 Standard Terms and Conditions, New Source Review Permit No. 2933 Special Condition I, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 14, 2008.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent be assessed an administrative penalty as set forth in Section I, Paragraph 6 above. The assessment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Subject to the provisions of Section 1, Paragraph 6 above, which are expressly incorporated herein, TCEQ shall have an allowed general unsecured claim in the Respondent's bankruptcy case.

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Szallies  
For the Executive Director

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

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

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees;
- 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.

T.C. Carnell  
Signature

8/6/09  
Date

T.C. Carnell  
Name (Printed or typed)  
Authorized Representative of  
Equistar Chemicals, LP

East Operations Production Supt.  
Title

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

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.
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