

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-2024-AIR-E **TCEQ ID:** RN100210319 **CASE NO.:** 38853

RESPONDENT NAME: Equistar Chemicals, LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input 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>SITE WHERE VIOLATION(S) OCCURRED: Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Polymer manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2009-0154-AIR-E, 2009-1781-AIR-E, and 2010-0328-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 24, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Baves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Michael Wobster, Plant Manager, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571 Ms. Courtney Ruth, Site Manager, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 25, September 8, and September 25, 2009</p> <p>Date of NOV/NOE Relating to this Case: December 4 and 10, 2009 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 127977. Specifically, on August 11, 2009, the Propylene Refrigeration Compressor ("PRC") tripped due to an interlock being initiated when the electric-to-hydraulic instrument was disconnected to repair the PRC causing the shut down of the Olefins Unit releasing 955.90 pounds ("lbs") of volatile organic compounds ("VOCs") to the atmosphere for 12 hours. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 18978, Special Condition ("SC") 1].</p> <p>2) Failure to prevent unauthorized emissions during Incident No. 128616. Specifically, on August 25, 2009, upon reinstallation of the connect plug after a two-year preventative maintenance test and calibration of the electro-mechanical protection relays, a mechanical vibration of the trip relay contact caused a power failure at the Olefins Unit releasing 481.51 lbs of VOCs, 391.13 lbs of carbon monoxide ("CO"), and 65.54 lbs of nitrogen oxides to the atmosphere for 13</p>	<p>Total Assessed: \$30,000</p> <p>Total Deferred: \$6,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code now pending in the U.S. Bankruptcy Court</p> <p>(The remaining \$24,000 due pending the outcome of bankruptcy proceedings)</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent, in regard to Incident No. 129339, relocated the wiring and updated the corresponding documentation to designate the correct wiring to ensure against communication hardware malfunction on September 12, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement maintenance procedures and ensure the completion of additional training to help prevent tripping the PRC (Incident No. 127977); and</p> <p>ii. Install warning labels to prevent mechanical vibration of the relay trip contact and implement procedures to help ensure against tripping of the breaker (Incident No. 128616).</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

<p>hours. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 18978, SC 1].</p> <p>3) Failure to prevent unauthorized emissions during Incident No. 129339. Specifically, on September 12, 2009, the Olefins Unit Safety Interlock 381 received an open-loop signal which opened Valve XV-34201, unloading the reactor contents to the flare, releasing 309.33 lbs of VOCs and 222.6 lbs of CO to the atmosphere for one hour. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 18978, SC 1].</p>		
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Additional ID No(s): HG0770G



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ
DATES

Assigned 14-Dec-2009
 PCW 22-Dec-2009 Screening 14-Dec-2009 EPA Due 18-Sep-2010

RESPONDENT/FACILITY INFORMATION

Respondent Equistar Chemicals, LP
 Reg. Ent. Ref. No. RN100210319
 Facility/Site Region 12-Houston Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 38853 No. of Violations 3
 Docket No. 2009-2024-AIR-E Order Type 1660
 Media Program(s) Air Government/Non-Profit No
 Multi-Media Inf. Coordinator Audra Benoit
 EC's Team Enforcement Team 5
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 381.0% Enhancement Subtotals 2, 3, & 7 **\$28,575**

Notes: Penalty enhancement due to 30 same or similar NOVs, 23 non-similar NOVs, two agreed orders with a denial of liability, four agreed orders without a denial of liability, one court order with a denial of liability, and one federal order with a denial of liability. Penalty reduction due to nine notices of intended audit and three disclosure of violations.

Culpability No 0.0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$625**

Economic Benefit 0.0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts \$129
 Approx. Cost of Compliance \$4,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$35,450**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$35,450**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$30,000**

DEFERRAL 20.0% Reduction Adjustment **-\$6,000**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$24,000**

Screening Date 14-Dec-2009

Docket No. 2009-2024-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 38853

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Audra Benoit

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)	30	150%
	Other written NOVs	23	46%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 381%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes: Penalty enhancement due to 30 same or similar NOVs, 23 non-similar NOVs, two agreed orders with a denial of liability, four agreed orders without a denial of liability, one court order with a denial of liability, and one federal order with a denial of liability. Penalty reduction due to nine notices of intended audit and three disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 381%

Screening Date 14-Dec-2009
 Respondent Equistar Chemicals, LP
 Case ID No. 38853

Docket No. 2009-2024-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.065(b), and Air Permit No. 18978, Special Condition ("SC") 1

Violation Description

Failed to prevent unauthorized emissions during Incident No. 127977. Specifically, on August 11, 2009, the Propylene Refrigeration Compressor ("PRC") tripped due to an interlock being initiated when the electric-to-hydraulic instrument was disconnected to repair the PRC causing the shut down of the Olefins Unit releasing 955.90 pounds ("lbs") of volatile organic compounds ("VOCs") to the atmosphere for 12 hours. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event that occurred on August 11, 2009.

Good Faith Efforts to Comply

	0.0%	Reduction	\$0
		Before NOV	NOV to EDP/PP/ Settlement Offer
Extraordinary			
Ordinary			
N/A	X	(mark with x)	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$66

Statutory Limit Test

Violation Final Penalty Total \$12,025

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 38853
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,500	11-Aug-2009	28-Jun-2010	0.88	\$66	n/a	\$66
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement maintenance procedures and ensure the completion of additional training to prevent tripping the PRC. The date required is the date of the emissions event. The final date is the estimated 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

\$66

Screening Date 14-Dec-2009

Docket No. 2009-2024-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 38853

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 18978, SC 1

Violation Description

Failed to prevent unauthorized emissions during Incident No. 128616. Specifically, on August 25, 2009, upon reinstallation of the connect plug after a two-year preventative maintenance test and calibration of the electro-mechanical protection relays, a mechanical vibration of the trip relay contact caused a power failure at the Olefins Unit releasing 481.51 lbs of VOCs, 391.13 lbs of carbon monoxide ("CO"), and 65.54 lbs of nitrogen oxides to the atmosphere for 13 hours. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event that occurred on August 25, 2009.

Good Faith Efforts to Comply

	0.0%	Reduction
	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

\$0

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$63

Statutory Limit Test

Violation Final Penalty Total \$12,025

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 38853
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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	25-Aug-2009	28-Jun-2010	0.84	\$63	n/a	\$63

Notes for DELAYED costs
 Estimated costs to install warning labels to prevent mechanical vibration of the relay trip contact and implement procedures to ensure against tripping of the breaker. The date required is the date of the emissions event. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500 **TOTAL** \$63

Screening Date 14-Dec-2009

Docket No. 2009-2024-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 September 2002

Case ID No. 38853

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 18978, SC 1

Violation Description

Failed to prevent unauthorized emissions during Incident No. 129339. Specifically, on September 12, 2009, the Olefins Unit Safety Interlock 381 received an open-loop signal which opened Valve XV-34201, unloading the reactor contents to the flare, releasing 309.33 lbs of VOCs and 222.6 lbs of CO to the atmosphere for one hour. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event that occurred on September 12, 2009.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$625

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent completed corrective action for this violation on September 12, 2009, prior to the December 10, 2009 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$11,400

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 38853
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	12-Sep-2009	12-Sep-2009	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	12-Sep-2009	12-Sep-2009	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to separate wiring (\$1,000) and update the corresponding documentation to designate the correct wiring to ensure against communication hardware malfunction (\$500). The date required is the date of the emissions event. The final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124705 Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN100210319 EQUISTAR CHEMICALS LA PORTE COMPLEX	Classification: AVERAGE	Site Rating: 14.77

ID Number(s):	Description	Type	ID Number
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0770G
	AIR OPERATING PERMITS	PERMIT	1606
	AIR OPERATING PERMITS	PERMIT	2223
	WASTEWATER	PERMIT	WQ0004013000
	WASTEWATER	PERMIT	TPDES0119792
	WASTEWATER	PERMIT	TX0119792
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012680
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000025809
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	85436
	AIR NEW SOURCE PERMITS	PERMIT	19109
	AIR NEW SOURCE PERMITS	PERMIT	4477
	AIR NEW SOURCE PERMITS	PERMIT	5226
	AIR NEW SOURCE PERMITS	PERMIT	5836
	AIR NEW SOURCE PERMITS	PERMIT	18978
	AIR NEW SOURCE PERMITS	PERMIT	22043
	AIR NEW SOURCE PERMITS	PERMIT	38605
	AIR NEW SOURCE PERMITS	PERMIT	40078
	AIR NEW SOURCE PERMITS	PERMIT	42401
	AIR NEW SOURCE PERMITS	PERMIT	43676
	AIR NEW SOURCE PERMITS	PERMIT	45099
	AIR NEW SOURCE PERMITS	PERMIT	46127
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0770G
	AIR NEW SOURCE PERMITS	AFS NUM	4820100055
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX818
	AIR NEW SOURCE PERMITS	PERMIT	42349
	AIR NEW SOURCE PERMITS	REGISTRATION	70535
	AIR NEW SOURCE PERMITS	PERMIT	49122
	AIR NEW SOURCE PERMITS	PERMIT	53934
	AIR NEW SOURCE PERMITS	PERMIT	53387
	AIR NEW SOURCE PERMITS	REGISTRATION	74666
	AIR NEW SOURCE PERMITS	REGISTRATION	76465
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M3
	AIR NEW SOURCE PERMITS	REGISTRATION	77716

AIR NEW SOURCE PERMITS	REGISTRATION	77957
AIR NEW SOURCE PERMITS	REGISTRATION	79239
AIR NEW SOURCE PERMITS	PERMIT	83822
AIR NEW SOURCE PERMITS	REGISTRATION	51737
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M2
AIR NEW SOURCE PERMITS	REGISTRATION	86948
AIR NEW SOURCE PERMITS	REGISTRATION	91251
AIR NEW SOURCE PERMITS	PERMIT	4157A
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1122
AIR NEW SOURCE PERMITS	REGISTRATION	83481
AIR NEW SOURCE PERMITS	EPA ID	N74
AIR NEW SOURCE PERMITS	REGISTRATION	89879
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M1
AIR NEW SOURCE PERMITS	REGISTRATION	90257
WATER LICENSING	LICENSE	1012680
STORMWATER	PERMIT	TXR05N516
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50383
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	50383
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	85436
IHW CORRECTIVE ACTION	PERMIT	50383
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0770G

Location: 1515 MILLER CUT OFF RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 08, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 08, 2004 to December 08, 2009

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

Name: Audra Benoit Phone: (409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
OWNOPR
3. If Yes, who is the current owner/operator?
Equistar Chemicals, LP
4. If Yes, who was/were the prior owner(s)/operator(s)? OPR Millennium Petrochemicals GP LLC
5. When did the change(s) in owner or operator occur? 12/31/2004 OPR Millennium Petrochemicals GP LLC
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 12/02/2006

ADMINORDER 2006-0295-AIR-E

Classification: Moderate

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

Rqmt Prov: No.18978, Special Condition No. 1 PERMIT

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

Effective Date: 08/10/2007

ADMINORDER 2006-1232-AIR-E

Classification: Moderate

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

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

Rqmt Prov: No. 18978, Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit No. 4477, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

30 TAC Chapter 101, SubChapter F 101.201(b)

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

Description: Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006.

Classification: Moderate

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

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

Rqmt Prov: No. 18978, Special Condition. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Rqmt Prov: no # 4477 SP #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/10/2007

ADMINORDER 2006-1932-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit #4477, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions and meet the highly reactive volatile organic

compounds ("HRVOC") hourly cap.

Classification: Moderate

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

Rqmt Prov: # 18978 Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #4477, SC#1 PA

Description: Failure to prevent unauthorized emissions of ethylene from PSV V4202RV1 to the atmosphere.

Effective Date: 02/25/2008

ADMINORDER 2007-0519-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978 PA
Special Condition 1 PERMIT

Description: failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978, Special Condition 1 PA
Special condition 1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

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

Rqmt Prov: Permit #4477, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit #4477, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 04/03/2008

ADMINORDER 2007-0938-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SC No.1 PERMIT
TCEQ AIR PERMIT #18978, SC1 PERMIT

Description: Equistar failed to control unauthorized emissions on December 13, 2005.

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: Permit #4477, Special Condition #1 PA

Description: Failed to control unauthorized emissions on March 4, 2006

Effective Date: 07/03/2008

ADMINORDER 2007-1715-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit #18978, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit #18978, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to report Incident No. 96455 within 24 hours after discovery.

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #4477, SC #1 PA

Description: Equistar exceeded the VOC permit limit during an avoidable emissions event.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 1,016.5 lbs of the HRVOC and HAP ethylene from a hole in a pipe in the AB3 LDPU on October 28, 2003 that lasted 2 hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ AIR Permit No. 4477 PA

Description: Failed to prevent unauthorized emissions of 6,316 lbs of the HRVOCs and HAPs ethylene and propylene and 354 lbs of particulate matter (PM) from the reactor vents in AB3 LDPU and 80.69 lbs of the HRVOCs and HAPs ethylene and propylene from EPN L3FLARE, in the AB3 LDPU on February 9, 2004 that lasted 2 hours and 17 minut

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC# 1 PA

Description: Failed to prevent unauthorized emissions of 10,666 lbs of VOCs, which included the HRVOC butene and the HRVOCs and HAPs 1,3-butadiene and ethylene, 17,363 lbs of CO, and 3,184.60 lbs of NOx from EPN QE8050B in the QE1 Olefins Unit on May 28, 2004 that lasted 9 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 5 PERMIT

Description: Failure to monitor 4,041 valves in VOC service using Method 21.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to monitor 3882 valves in VOC service using Method 21.

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to monitor 2,476 connectors in VOC service in the olefins unit using 40 Code of Federal Regulations (CFR) part 60, Method 21.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
SC No. 5 PERMIT

Description: Failure to cap or plug 48 open ended lines in the olefins unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 5 PERMIT

Description: Failure to maintain the main flare minimum heating value of 300 BTU/scf during the propylene dryer regeneration periods in the olefins unit on sixteen occasions.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report some instances of deviations (CEMS down times, semiannual reporting, regeneration periods, and fugitive monitoring deviations) in the olefins unit in the report dated December 15, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit the semiannual reports regarding continuous emissions monitoring system (CEMS) down times in the olefins unit for the year 2003.

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnace (EPN: QE1009B) in the olefins unit below 0.035 lb/MMBTU for more than 4% of the operating time for two consecutive quarterly reporting periods (Second and Third quarter of 2003).

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1008B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below 0.035 lb/MMBTU during the deviation period.

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1009B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below the MAERT limit during the deviation period.

Classification: Moderate

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

Rqmt Prov: SC No. 1 PERMIT

Description: Failure to maintain the emissions from the EPN QE3050B within MAERT limit and this could have been avoided by good design, operation and maintenance activities.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC #1 PA

Description: Failed to prevent unauthorized emissions of 4,060.1 lbs of VOCs, which included the HRVOC butene and the HRVOCs and HAPs 1,3-butadiene, ethylene, and propylene, 5,486 lbs of CO, and 591 lbs of NOx from EPN QE8050B in the QE1 Ethylene Unit on December 11, 2003 that lasted 27 hours.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 721 lbs of the HRVOCs and HAPs ethylene and propylene and 88 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 Low

Density Polyethylene Unit (LDPU), on November 9, 2002 that lasted 25 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #19109, SC #1 PA

Description: Failed to prevent unauthorized emissions of 1,297 pounds (lbs) of volatile organic compounds (VOCs), which included the Highly Reactive VOCs (HRVOCs) and Hazardous Air Pollutants (HAPs) benzene and ethylene, 636.52 lbs of carbon monoxide (CO), and 122.44 lbs of nitrogen oxide (NOx) from emission point number (EPN) HSFL

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 965 lbs of they HRVOCs and HAPs ethylene and vinyl acetate and 72 lbs of PM from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 Polyethylene Unit on April 12, 2004 that lasted 5 minutes.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 842 lbs of VOCs, which included the HRVOCs and HAPs ethylene and propylene and 69 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 6, 2003 that lasted 1 minute.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 842 lbs of VOCs, which included the HRVOCs and HAPs ethylene, propylene, and vinyltrimethoxysilane (VTMOS) and 69 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 9, 2003 that lasted 1 minute.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 6,272.9 lbs of VOCs, which included the HRVOCs and HAPs ethylene and propylene, 8,782.70 lbs of CO, and 1,559 lbs of NOx from EPN QE8050B in the QE1 Olefins Unit on June 23, 2004 that lasted 5 hours and 54 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #4477, SC#1 PA

Description: Failed to prevent unauthorized emissions of 952 lbs of VOCs, including 762 lbs of the HRVOCs and HAPs ethylene and vinyl acetate, and 71 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU and 29.57 lbs of VOCs, which included the HRVOCs

and HAPs ethylene and vinyl acetate, from EPN L3FL.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 1,034.71 lbs of VOCs, which included the HRVOC acetylene and the HRVOCs and HAPs ethylene and propylene, 538.99 lbs of CO, and 92.51 lbs of NOx from EPN QE3050B ethylene from the QE1 Olefins on July 4, 2004 that lasted 22 hours and 35 minutes.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 834 lbs of the HRVOCs and HAPs ethylene and propylene and 100 lbs of polymer from reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 24, 2003 that lasted 1 minute.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 834 lbs of the HRVOCs and HAPs ethylene and propylene and 100 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 29, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #4477, SC#1 PA

Description: Failed to prevent unauthorized emissions of 840.52 lbs of the HRVOC VTMOs and the HRVOCs and HAPs ethylene and propylene and 69 lbs of PM (which is not authorized as an emission in the permit) from EPN L3FLARE in the AB3 LDPU on February 18, 2004 that lasted 5 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #19109, SC# 1 PA

Description: Failed to prevent unauthorized emissions of 8,949 lbs of HRVOCs which included the HRVOC butene and the HRVOC and HAP ethylene from the emergency vents in the Q1 Polyethylene Unit and 80.96 VOCs, including 57.4 HRVOCs and 47.51 lbs of CO from EPN HSFLARE in the Q1 Polyethylene Unit on February 1, 2004 that lasted 21 ho

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 952 lbs of the HRVOCs and HAPs ethylene and vinyl acetate and 71 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on January 21, 2003 that lasted .01 minutes.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 3,504 lbs of the HRVOC and HAP ethylene from a pressure relief valve in the UT ethylene meter station on November 30, 2003 that lasted 6 minutes.

Classification: Minor

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

Description: Failed to report an emissions event with 24 hours of discovery. The emissions event that occurred on July 12, 2004 at 2:00 p.m. was not reported until July 14, 2004 at 1:34 p.m.

Classification: Moderate

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

Rqmt Prov: 4477 Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,793.87 lbs of the HRVOC and HAP ethylene from EPN L3FUG in the AB3 LDPU on July 12, 2004 that lasted 51 hours and 30 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #4477 PA

Description: Failed to prevent unauthorized emissions of 1,243 lbs of the HRVOC VTMOs and the HRVOCs and HAPs ethylene and propylene and 102 lbs of PM from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on May 4, 2004 that lasted 5 minutes.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 8,648 lbs of the highly reactive volatile organic compound (HRVOC) and hazardous air pollutant (HAP) ethylene from a pressure relief valve in the UT ethylene meter station on November 9, 2003 that lasted 8 minutes.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 533 lbs of the HRVOC and HAP ethylene from a pressure relief valve in the UT ethylene meter station on November 18, 2003 that lasted 1 minute.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 2,630 pounds (lbs) of volatile organic compounds (VOCs). The release of 2,630 lbs of the highly reactive VOC (HRVOC) ethylene from the Olefins Unit through the Process Fugitives, emission point number (EPN) QEFUG, occurred on November 11, 2004 and lasted 17 hours and 25 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 18978, SC #1 PA

Description: Failed to prevent unauthorized emissions of 7,335.87 pounds (lbs) of volatile organic compounds (VOCs), including 8,326.2 of highly reactive VOCs (HRVOCs), 1.87 hazardous air pollutants (HAPs), and 108.1 HRVOCs and HAPs, 9,822 lbs of carbon monoxide (CO), and 1,492 lbs of nitrogen oxides (NOx).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov: 19109, SC 12.F PERMIT
O-01606, SC 1.A OP

Description: Failure to monitor 209 valves in VOC service in the Q1 Unit using 40 CFR part 60, Method 21.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.564(a)(1)

Rqmt Prov: 19109, SC 14.C PERMIT
O-01606, SC 14.C OP

Description: Failure to conduct the performance test for the Q1 incinerator stack as required by the NSR permit 19109, dated January 21, 2004, within 180 days of increasing hourly polymer production to greater than 110% of that maintained during the last satisfactory test.

Classification: Moderate

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

Rqmt Prov: 19109, SC No.9 PERMIT
O-01606, SC 9.A OP

Description: Failure to control the particulate emissions as required by the permit standards and by passed the particulate emissions from the mixer feed hoppers in the Q1 unit during the certification period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)(ii)

Rqmt Prov: O-01606, SC 1.A OP

Description: Failure to conduct the daily checks of pumps for four days in Q1 Unit.

Classification: Minor

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: O-01606, SC 1.A OP
Special Condition 12.E. PERMIT

Description: Failure to cap or plug 2 open ended lines in the Q1 Unit.

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

Description: Failure to report particulate matter control deviation and barrier fluid exceedance deviations in the Q1 Unit in the report dated September 24, 2004.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.565(t)

Description: Failure to submit the engineering report describing in detail the vent system used to vent each affected vent stream to a control device after the piping changes in August 2003 in Q1 Unit.

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

Rqmt Prov: TCEQ Air Permit No. 18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 2,161 pounds of the volatile organic compounds acetylene and ethylene, 2,392 pounds of carbon monoxide, and 428 pounds of nitrogen oxides from emission point number QE8050B in the Olefins Unit during an emissions event that occurred on March 9, 2005 and lasted 1.4333 hours.

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/10/2004	(253708)
2	12/10/2004	(276453)
3	12/10/2004	(285085)
4	12/13/2004	(291053)
5	12/20/2004	(285304)
6	12/20/2004	(339171)
7	12/21/2004	(284737)
8	12/21/2004	(287807)
9	12/21/2004	(289537)
10	12/21/2004	(289814)
11	12/21/2004	(338825)
12	12/21/2004	(338830)
13	12/22/2004	(272306)
14	12/22/2004	(340087)
15	12/22/2004	(340088)
16	12/22/2004	(340090)
17	12/27/2004	(338823)
18	12/27/2004	(338826)
19	12/27/2004	(390239)
20	12/28/2004	(274165)
21	12/28/2004	(275757)
22	12/28/2004	(275765)
23	12/28/2004	(287579)
24	12/28/2004	(288900)
25	12/28/2004	(340085)
26	12/28/2004	(342437)
27	12/30/2004	(339169)
28	12/31/2004	(339170)

29	01/04/2005	(275598)
30	01/05/2005	(288752)
31	01/05/2005	(342314)
32	01/06/2005	(286945)
33	01/06/2005	(346266)
34	01/07/2005	(340854)
35	01/07/2005	(345093)
36	01/10/2005	(275036)
37	01/26/2005	(347775)
38	02/14/2005	(345107)
39	02/14/2005	(345108)
40	02/14/2005	(345109)
41	02/23/2005	(390238)
42	02/25/2005	(347508)
43	02/25/2005	(347533)
44	02/28/2005	(350647)
45	03/16/2005	(372522)
46	03/18/2005	(372086)
47	03/21/2005	(427694)
48	03/31/2005	(348992)
49	04/20/2005	(350846)
50	04/22/2005	(348993)
51	04/25/2005	(427695)
52	04/25/2005	(427698)
53	04/27/2005	(377666)
54	05/02/2005	(379023)
55	05/02/2005	(379025)
56	05/02/2005	(379027)
57	05/11/2005	(378796)
58	05/11/2005	(380586)
59	05/24/2005	(427696)
60	06/16/2005	(371763)
61	06/23/2005	(427697)
62	07/06/2005	(398300)
63	07/08/2005	(397159)
64	07/08/2005	(397164)
65	07/08/2005	(397169)
66	07/29/2005	(400016)
67	07/29/2005	(402225)
68	08/03/2005	(402565)
69	08/08/2005	(404125)
70	08/09/2005	(402106)
71	08/10/2005	(404030)
72	08/19/2005	(404431)
73	08/23/2005	(404501)
74	08/23/2005	(447751)
75	08/24/2005	(392722)
76	08/24/2005	(405380)
77	08/25/2005	(405740)
78	08/30/2005	(404242)
79	09/14/2005	(431715)
80	09/21/2005	(431539)
81	09/23/2005	(447752)
82	10/26/2005	(492906)
83	10/26/2005	(492909)
84	11/21/2005	(433841)
85	11/21/2005	(435080)
86	11/28/2005	(492907)

87 12/21/2005 (492908)
88 01/20/2006 (439064)
89 01/20/2006 (439066)
90 01/26/2006 (431992)
91 02/02/2006 (439295)
92 02/02/2006 (439522)
93 02/02/2006 (439633)
94 02/15/2006 (439561)
95 02/21/2006 (453963)
96 02/22/2006 (432284)
97 02/22/2006 (492904)
98 02/23/2006 (455883)
99 02/24/2006 (451235)
100 02/25/2006 (456913)
101 02/28/2006 (456463)
102 02/28/2006 (457026)
103 02/28/2006 (457167)
104 03/08/2006 (454488)
105 03/13/2006 (458226)
106 03/16/2006 (454029)
107 03/16/2006 (454588)
108 03/16/2006 (454636)
109 03/16/2006 (455964)
110 03/23/2006 (492905)

111 04/19/2006 (462735)
112 04/24/2006 (506468)
113 04/26/2006 (455073)
114 05/25/2006 (463280)
115 05/25/2006 (506469)
116 05/26/2006 (467363)
117 05/26/2006 (467375)
118 05/26/2006 (467379)
119 05/26/2006 (467382)
120 05/26/2006 (467391)
121 05/26/2006 (467396)
122 05/31/2006 (466933)
123 06/21/2006 (462913)
124 06/21/2006 (481795)
125 06/22/2006 (483443)
126 06/26/2006 (506470)
127 06/27/2006 (455404)
128 06/27/2006 (455405)
129 06/29/2006 (484570)
130 06/30/2006 (483762)
131 07/11/2006 (484826)
132 07/14/2006 (486946)
133 07/17/2006 (485587)
134 07/17/2006 (485923)
135 07/19/2006 (506471)
136 08/07/2006 (345081)
137 08/08/2006 (485874)
138 08/09/2006 (490279)
139 08/11/2006 (467626)
140 08/11/2006 (467635)
141 08/18/2006 (528685)
142 08/23/2006 (458894)
143 09/05/2006 (488631)
144 09/05/2006 (488651)

145 09/08/2006 (497595)
146 09/19/2006 (528686)
147 09/19/2006 (528687)
148 10/20/2006 (516121)
149 10/20/2006 (516554)
150 10/20/2006 (516566)
151 10/31/2006 (517252)
152 11/16/2006 (519602)
153 11/17/2006 (516921)
154 11/20/2006 (514502)
155 11/20/2006 (551952)
156 12/11/2006 (531680)
157 12/13/2006 (533373)
158 12/18/2006 (517871)
159 12/20/2006 (551953)
160 01/19/2007 (531635)
161 01/19/2007 (551954)
162 01/26/2007 (535998)
163 02/05/2007 (531641)
164 02/16/2007 (532610)
165 02/20/2007 (536017)
166 02/20/2007 (551951)
167 02/26/2007 (532609)
168 03/05/2007 (542456)
169 03/20/2007 (532775)

170 03/20/2007 (536006)
171 03/20/2007 (589296)
172 04/05/2007 (542368)
173 04/05/2007 (542369)
174 04/05/2007 (542370)
175 04/12/2007 (532611)
176 04/12/2007 (554892)
177 04/19/2007 (589297)
178 05/11/2007 (462772)
179 05/14/2007 (534972)
180 05/15/2007 (558701)
181 05/17/2007 (589298)
182 05/31/2007 (561392)
183 06/01/2007 (554895)
184 06/20/2007 (589299)
185 07/09/2007 (532634)
186 07/10/2007 (565209)
187 07/12/2007 (558881)
188 07/13/2007 (559650)
189 07/18/2007 (565509)
190 07/19/2007 (589300)
191 07/25/2007 (563252)
192 08/20/2007 (605806)
193 08/28/2007 (570434)
194 09/06/2007 (605807)
195 09/07/2007 (571530)
196 09/20/2007 (605809)
197 09/28/2007 (594920)
198 10/09/2007 (571528)
199 10/09/2007 (594695)
200 10/11/2007 (594693)
201 10/15/2007 (594690)
202 10/15/2007 (594692)

203	10/15/2007	(594694)
204	10/19/2007	(605808)
205	11/15/2007	(594689)
206	11/16/2007	(597973)
207	11/20/2007	(631964)
208	11/27/2007	(570521)
209	12/10/2007	(610695)
210	12/11/2007	(610682)
211	12/12/2007	(598310)
212	12/12/2007	(609039)
213	12/20/2007	(612437)
214	12/20/2007	(631965)
215	01/14/2008	(613552)
216	01/15/2008	(614252)
217	01/17/2008	(610699)
218	01/24/2008	(610674)
219	01/25/2008	(613512)
220	01/25/2008	(613541)
221	01/25/2008	(613555)
222	01/25/2008	(613857)
223	01/25/2008	(613874)
224	01/25/2008	(614229)
225	01/28/2008	(598307)
226	01/29/2008	(609101)
227	02/08/2008	(612730)
228	02/13/2008	(612840)

229	02/19/2008	(677433)
230	02/28/2008	(618019)
231	03/10/2008	(616812)
232	03/19/2008	(677434)
233	03/31/2008	(636151)
234	04/01/2008	(616811)
235	04/03/2008	(619011)
236	04/06/2008	(637320)
237	04/07/2008	(639314)
238	04/07/2008	(641592)
239	04/10/2008	(677435)
240	04/10/2008	(677436)
241	04/22/2008	(638949)
242	05/01/2008	(638959)
243	05/07/2008	(638961)
244	05/09/2008	(638778)
245	05/16/2008	(641203)
246	05/19/2008	(671026)
247	05/20/2008	(696168)
248	05/28/2008	(638962)
249	06/16/2008	(646366)
250	06/19/2008	(646368)
251	06/20/2008	(696169)
252	07/03/2008	(653609)
253	07/11/2008	(653610)
254	07/14/2008	(638964)
255	07/14/2008	(653719)
256	07/31/2008	(686092)
257	07/31/2008	(686093)
258	08/18/2008	(688789)
259	08/19/2008	(717807)
260	08/20/2008	(688715)

261 08/28/2008 (610625)
 262 09/04/2008 (689451)
 263 09/20/2008 (717808)
 264 10/16/2008 (717810)
 265 10/20/2008 (717809)
 266 10/28/2008 (686185)
 267 11/12/2008 (733136)
 268 12/04/2008 (688113)
 269 12/04/2008 (700715)
 270 12/16/2008 (756297)
 271 01/15/2009 (709042)
 272 02/17/2009 (756293)
 273 02/20/2009 (709495)
 274 02/25/2009 (721083)
 275 02/25/2009 (721084)
 276 02/25/2009 (735621)
 277 03/05/2009 (721082)
 278 03/18/2009 (756294)
 279 03/30/2009 (756295)
 280 03/30/2009 (756296)
 281 05/05/2009 (739945)
 282 05/18/2009 (741225)
 283 05/19/2009 (773263)
 284 06/08/2009 (739477)
 285 06/10/2009 (773264)
 286 06/16/2009 (743921)
 287 06/18/2009 (749634)

 288 06/29/2009 (721079)
 289 08/06/2009 (764956)
 290 08/10/2009 (764924)
 291 08/20/2009 (741169)
 292 08/24/2009 (759202)
 293 08/28/2009 (721238)
 294 09/16/2009 (764661)
 295 09/17/2009 (761496)
 296 10/12/2009 (763103)
 297 10/14/2009 (766458)
 298 10/15/2009 (767716)
 299 11/02/2009 (780297)
 300 11/24/2009 (764738)
 301 12/03/2009 (781013)
 302 12/04/2009 (775737)
 303 12/04/2009 (776799)

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

Date: 12/13/2004 (253708) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR Permit No. 4477 PA
 Description: Equistar failed to re-calibrated the pressure transducers in the reactor system.

Date: 12/13/2004 (291053) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Air Permit #4477, SC #1 PA

Description: Equistar failed to change the seal air filters and properly conduct maintenance on the rental compressor equipment.

Date: 12/20/2004 (339171) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #5226, SC#1 PA

Description: Equistar failed to maintain the normal operating pressure of the ethylene supply line causing the pressure relief valve to open.

Date: 12/21/2004 (287807) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #4477, SC#1 PA

Description: Equistar failed to maintain the proper liquid level in the knockout drum.

Date: 12/30/2004 (338823) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit # 18978, SC #1 PA

Description: Equistar Chemicals, Inc. failed to maintain the set screws securing the secondary seal resulting in the failure of pump 3604JB.

Date: 12/31/2004 (367341) CN600124705
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 01/05/2005 (342314) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #18978, SC#4 PA

Description: Equistar failed to prevent the excess O2 valve from closing.

Date: 01/06/2005 (275598) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #18978, SC#1 PA

Description: Equistar failed to prevent the over-pressurization of the depropanizer due to non-condensable impurities in the feed stream from an abnormal upstream process condition.

Date: 03/16/2005 (372522) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #18978, SC#1 PA

Description: Lyondell/Equistar Chemicals, LP failed to open a 12" block valve required for F9 feed in prior to placing DMS in the furnace leading to the temporary poisoning of the MA/PD reactor.

Date: 03/31/2005 (427695) CN600124705
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: 03/31/2005 (348992) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)
Description: Failed to limit the VOC emissions from surface coating facility activities in three days during certification period in the XL unit/common areas.

Date: 04/22/2005 (348993) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to represent the emissions properly in the Permit Amendment Application dated September 17, 1999.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Description: Failure to monitor 11 valves in VOC service in the ABIII Units using 40 CFR part 60, Method 21

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(6)
Description: Failure to repair the pumps in VOC service in the ABIII Units within 15 days and also make the first attempt of repair within five days

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
No. 4477, S.C. No.2 PERMIT
O-02225, S.C. 11.A OP
Description: Failure to limit the production rates below the 31,300 lb/hr for five days during certification period in the ABIII Units.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
No. 4477, S.C. No. 11.E PERMIT
O-02225, S.C. No. 11.A OP

Description: Failure to cap or plug 38 open ended lines in the ABIII units.
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)
Description: Failure to include the total number of valves and pumps to the fugitive monitoring program (revisions) in the semiannual report for the period ending June 30, 2004.

Date: 05/03/2005 (379025) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Permit#18978, SC #10A PA
Description: The CEMS were not operated in the time shared mode as required. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.

Date: 05/03/2005 (379027) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Permit#18978, SC - 10A PA
Description: The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.

Date: 05/03/2005 (379023) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Permit Nos. 18978, SC No. 10A PA

Description: The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests.

Date: 05/31/2005 (427697) CN600124705
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/06/2005 (398300) CN600124705
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
Description: Failure to completely seal the plug on the open ended lines.

Date: 07/29/2005 (402225) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
O-02224, SC 1.A OP
Description: Failure to monitor 24 valves in Volatile Organic Compound (VOC) service using Method 21.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to report three instances of deviations (non reportable emissions events that occurred on January 22, January 26 and April 19, 2004) in the report dated June 21, 2004. The regulated entity submitted these deviations on September 30, 2004.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
O-02224, SC1.A OP
Description: Failure to cap or plug three open ended lines and two valves at the end of the line in the utilities unit.

Date: 08/08/2005 (404125) CN600124705
Self Report? NO Classification: Moderate
Citation: 18978 & PSD-TX-752M3, SC 13.F PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Description: Failure to monitor 31 valves in VOC service in the olefins unit using 40 CFR part 60, Method 21 within 30 days of addition to the HRVOC Service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to represent emissions from the Propylene Refrigeration Compressor, the Process Gas Compressor, and the Ethylene Refrigeration Compressor sour oil vents from olefins unit in the NSR Permit Application dated October 13, 2003.

Self Report? NO Classification: Moderate
Citation: 18978 & PSD-TX-752M3 SC NO.13E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to cap or plug 64 open ended lines in the olefins unit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to report some instances of deviations in the olefins unit in the report dated July 21, 2004. The regulated entity submitted these deviations on October 1, 2004.

Self Report? NO Classification: Minor
Citation: 18978 & PSD-TX-752M3, SC 16E PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to include the details regarding the CEMS down times (date, time, and

nature of the system repairs) in the quarterly reports when CEMS down time exceeded more than 5% of the operating time as required by 40 CFR 60.7(c)(3) in the plefins unit for third quarter of 2004.

Date: 08/10/2005 (402106) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #18978, SC#1 PA
Description: Failure to prevent a pinhole leak on the propylene dryer inlet drain piping.

Date: 08/19/2005 (404431) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit No. 19109, SC#1 PA
Description: Failure to prevent an avoidable emissions event.

Date: 08/24/2005 (392722) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #4477, SC#1 PA
Description: Lyondell-Equistar Chemicals, LP failed to prevent the C4202 secondary compressor shutdown.

Date: 09/30/2005 (492906) CN600124705
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (492908) CN600124705
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: 12/31/2005 (492909) CN600124705
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/20/2006 (439064) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR 4477, SC 2 PERMIT
O-02225, SC 11A OP
Description: It was determined that Equistar failed to maintain the maximum production rate at the ABIII Unit on January 1, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)
O-02225, SC 1A OP
Description: It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(i).
It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(i).

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
NSR 4477, SC 9E PERMIT
O-02225, SC 11A OP
O-02225, SC 1A OP

Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 64 occasions in the fugitive area (L3FUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

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)
NSR 5836, SC 1E PERMIT
O-02225, SC 1A & SC 11A OP

Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 26 occasions in the fugitive area (MRUFUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)

30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: It was determined that Equistar failed to satisfy the conditions of Permitted by-Rule (PBR) 106.261 for the installation of a propylene seal pot in the ABIII Unit. This constitutes a violation of 30 TAC 116.110(a)(4).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR 4477, SC 1 PERMIT
O-02225, SC 1A & 11A OP

Description: Equistar failed to properly maintain VOC emissions from storage silos (L3SILOS) in the ABIII Unit on the following three occasions: 1,134 ppm on 10/8/04, 1,127 ppm on 4/11/05, and 1,158.6 ppm on 8/9/05.

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

30 TAC Chapter 122, SubChapter B 122.143(4)
NSR 4477, SC 7B PERMIT
O-02225, SC 11A OP

Description: It was determined that Equistar failed to continuously monitor the presence of flare pilot flames for the flare (L3Flare) on May 26 & 27, 2005. This constitutes a violation of 30 TAC 116.115(c).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.146(1)

30 TAC Chapter 122, SubChapter B 122.143(4)
O-02225, SC 5A OP

Description: It was determined that Equistar failed to maintain records on industrial wastewater streams as needed to demonstrate compliance with 30 TAC 115.142. This constitutes a violation of 30 TAC 115.146(1).

Date: 01/20/2006 (439066)

CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC 1A OP

Description: failure to monitor NOx emissions for Boilers G and H on 18 occasions

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
SC 1A OP

Description: It was determined that Equistar failed to equip two open-ended lines with caps/plugs. This constitutes a violation of 30 TAC 115.352(4), 30 TAC 115.783(5), and 40 CFR 60.482-6(a)(1).
It was determined that Equistar failed to equip two open-ended lines with caps/plugs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC 1A OP

Description: Equistar failed to operate diesel engines outside of the restricted hours between 6:00 a.m. and noon on two occasions. This constitutes a violation of 30 TAC 117.206(i).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC 1A OP

Description: Equistar failed to submit NOx ECT-1 Annual Report for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 101.359(a).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC 1A OP

Description: It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 117.216(c).
It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC 1 PERMIT
SC 8 OP

Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115(c).
It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC 1 PERMIT
SC 8 OP

Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116.115(c).
It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116

Date: 03/17/2006 (454588) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)

Description: Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

Date: 03/17/2006 (454029) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 19109, Special Condition No. 1 PERMIT

Description: Equistar failed to prevent an avoidable emissions event.

Date: 03/17/2006 (454636) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)

Description: Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

Date: 08/29/2006 (458894) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter B 111.205(a)

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

Description: Equistar failed to provide fire training notification for the training that occurred on October 6, 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)

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

Description: Equistar failed to maintain visible emissions from a portable diesel lighting system south of AB3 flare within the 30% opacity limit on October 23, 2004.

Date: 10/31/2006 (551952) CN600124705

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

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

Date: 11/16/2006 (519602) CN600124705

Self Report? NO Classification: Moderate

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

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

TCEQ Permit #18978, SC#1 PA

Description: Failure to prevent the unauthorized emissions of HRVOC and VOC from the decoking drum.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include the permit number in the final report.

Date: 12/18/2006 (517871) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to perform the manganese oxide correction analysis.

Date: 02/16/2007 (532610) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

O-02225, Special Condition 1.H OP

Description: Failure to install a continuous monitoring system for pressure relief valve V4229RV1.

Self Report? NO Classification: Moderate

Citation: 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)

5836, Special Condition 4E PERMIT

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

Description: Failure to seal open-ended lines containing volatile organic compounds.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)
 O-02225, Special Condition 1.A. OP
Description: Failure to maintain appropriate records of a land based volatile organic compound (VOC) transfer to a transport vessel.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02225, Special Condition 8.A.(i) OP

Description: Failure to ensure a tank-truck being filled with VOCs had a current annual leak test.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 4477, Special Condition 3 PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02225, Special Condition 11.A OP

Description: Failure of preventing the exceedence of the production limit as listed in Table 2 of the confidential section of the permit application. (CATEGORY B19.g.1)

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

4477, Special Condition 9F PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02225, Special Condition 11.A OP

Description: Failure to conduct valve monitoring for three consecutive quarters.

Date: 02/27/2007 (532609) CN600124705

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to analyze the HRVOC concentrations in the ARU flare (EPN: QE3050B) flare header gas. (B.19.g.1)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 1.A. OP

Description: Failure of not repairing pumps seals within the six month deadline. (B19.g.(1))

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 1.A. OP
 O-02223, Special Condition 13.A. OP
 Permit 18978/PSD-TX-752M3, SC 13.H. PERMIT

Description: Failure to place leaker tags on equipment designating it as leaking components.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 1.A. OP

Description: Failure to identify fugitive components on tubing/piping associated with a sampling system in "benzene" service. (B19.g.(1))

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 1.A. OP
 O-02223, Special Condition 13.A. OP

Permit 18978/PSD-TX-752M3, SC 13.E. PERMIT

Description: Failure to seal open-ended lines in HRVOC and VOC service.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit the CEMS downtime report in a timely manner.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to keep the degreaser lid closed.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 6.A.(i) OP

Description: Failure to ensure trailers being filled with VOCs had a current annual leak test.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP

Description: Failure to ensure the net heating value of flare QE8050B did not drop below 300 Btu/scf. (B19.g.(1))
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(2)

Description: Failure to ensure the wastewater met the 10 ppm standard. (B19.g.(1))
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to stack test six diesel air compressors and one diesel engine pump. (B19.g.(1))
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)
O-02223, Special Condition 13.A. OP
Permit 18978/PSD-TX-752M3, SC 1 PERMIT

Description: Failure to ensure two diesel engines did not exceed the permitted tons/year allowable. (B19.g.(1))
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, General Terms and Conditions OP

Description: Failure to include two compressors in the MAERT as emission points. (B19.g.(1))
Self Report? NO Classification: Moderate
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)
O-02223, Special Condition 3.A.(i) OP

Description: Failure to prevent the exceedance of the opacity limit for the MAPD decoking process. (B19.g.(1))
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)
O-02223, Special Condition 13.A. OP
Permit 18978/PSD-TX-752M3, SC 1 PERMIT
Permit 18978/PSD-TX-752M3, SC 3.B. PERMIT

Description: Failure to prevent the exceedance of permitted allowables for Furnaces 1, 4, 5, 7, 8, and 9. (Category B19.g.(1))
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)

O-02223, SC 13.A. OP
Permit 18978/PSD-TX-752M3, SC 1 PERMIT
Permit 18978/PSD-TX-752M3, SC 2.B. PERMIT
Permit 18978/PSD-TX-752M3, SC 3.B. PERMIT

Description: Failure to prevent the exceedance of permitted allowables for Boilers A and B.
(B19.g.(1))

Date: 04/04/2007 (542370) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #4477, Special Condition #1 PA
Description: Failure to prevent unauthorized emissions of ethylene, particulate matter, and vinyl acetate/

Date: 04/05/2007 (542368) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit #4477, Special Condition #1 PA
Description: Failure to prevent the unauthorized emission of ethylene.

Date: 05/24/2007 (558701) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #18978 PA

Description: Failure to prevent the unauthorized emissions of HRVOC and VOC.

Date: 07/09/2007 (532634) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 6A PERMIT
Title V Permit O-01606, SC 1A & SC 9A OP
Description: failed to maintain the heating value of the gas being combusted being 300 Btu/scf or greater in the Q-1 Flare (HSFLARE) on December 11, 2005.

Self Report? NO Classification: Minor
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)
Title V Permit O-01606 OP
Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the Q-1 Flare by January 31, 2006, and also failed to perform daily calibrations until March 17, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP
Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the cooling tower (Q1CT) until March 30, 2006, and also failed to perform daily calibrations on April 9 and 10, 2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP
Description: failed to install a continuous monitoring system to determine status of relief valves and duration of pressure relief events for pressure relief valves (HRVOC

PSV) on the butene unloading system: PSV-R1779, PSV-R724, and PSV-J781RV.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP

Description: failed to maintain operating limits established during the HRVOC emission test on four occasions.

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)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SE 12E PERMIT
Title V Permit O-01606, SC 1A & 9A OP

Description: failed to equip open-ended lines with a plug or second valve on two occasions.

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 THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 1 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain VOC emissions from railcar unloading to storage.

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 THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 7D PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to continuously monitor the incinerator stack oxygen concentration on October 4, 2005.

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 THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 8 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to perform the required cylinder gas audit (CGA) on the oxygen analyzer by March 31, 2006.

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 THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 2 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to limit the volatile organic compounds (VOC) content in the polyethylene powder exiting the product purge bin to 100 ppm by weight on October 31, 2005.

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 THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 1 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain NOx emissions from the Q-1 Flare (HSFLARE) within the limit of 0.50 lb/hr.

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 THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 9 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain a sock filter on the powder feeder hopper on April 8, 2006.

Date: 07/10/2007 (565209) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #4477, Special Condition #1 PERMIT
Description: Failure to prevent the lifting of safety relief valves which resulted in unauthorized emissions of ethylene to the atmosphere.

Date: 10/31/2007 (631964) CN600124705
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: 11/16/2007 (597973) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #4477, Special Condition #1 PERMIT
Description: Failure to block in the High Pressure Separator overhead valve resulting in unauthorized emissions.

Date: 02/08/2008 (612730) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Permit #4477, Special Condition #1 PERMIT
Description: Failure to prevent the opening of the reactor vent to the atmosphere which resulted in the release of ethylene.

Date: 06/20/2008 (646368) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Failure to prevent bumping of the barring-over controls on the Recycle compressor which resulted in the shutdown of the compressor and the venting of contaminants to the atmosphere.

Date: 07/11/2008 (653610) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Failure to prevent pressure build up in the gas recycle system which resulted in the lifting of a High Pressure Separator Relief Valve to the atmosphere.

Date: 08/20/2008 (688715) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failure to include the heat exchanger leak in Incident #96015.

Date: 03/31/2009 (756295) CN600124705
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/16/2009 (743921) CN600124705

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 ELMR, No. 1, p. 2 PERMIT
 Description: Failure to measure the flow at Outfall 001 at the required frequency.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9(c)
 Description: Failure to properly calibrate the pH meter and perform the required Quality Assurance/Quality Control (QA/QC) for the chlorine meter.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements, No. 3, p. 12-13 PERMIT
 Description: Failure to properly complete the Discharge Monitoring Reports (DMRs) for total zinc at Outfall 001 in March 2009.

Date: 06/29/2009 (721079) CN600124705

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14E PERMIT
 Special Condition 5 PERMIT
 Special Condition 6A PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP

Description: Failure to maintain a cap, blind flange, plug or second valve on four (4) open ended lines. (Category C10 violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1J(v) OP

Description: Failure to repair eleven (11) leaking components in HRVOC service within seven (7) days. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
 40 CFR Part 61, Subpart V 61.242-7(d)(1)

5C THSC Chapter 382 382.085(b)
 Special Condition 14I PERMIT
 Special Condition 5 PERMIT
 Special Condition 6A PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP
 Special Term and Condition 1J(v) OP

Description: Failure to repair twelve (12) leaking components in HRVOC service within fifteen (15) days. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11A PERMIT
 Special Condition 5 PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP

Description: Failure to maintain a minimum of 300 BTU for flare QE3050B. (Category B19(g)(1) Violation)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1J(iii) OP

Description: Failure to maintain HRVOC emissions below the HRVOC cap of 1200 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP

Description: Failure to maintain a closed lid on the Olefins degreaser while the degreaser was not in use..(Category B19(g)(1) violation)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 5C THSC Chapter 382 382.085(b)
 Special Conditions 11C PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP

Description: Failure to limit visible emissions to less than five minutes within a two hour period from flare QE3050B. (Category B19(g)(1))

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 13 OP

Description: Failure to maintain NOX emissions below 31.75 lbs/hr for Furnace #9 (QE1009B). (Category B19(g)(1) violation)

Date: 08/24/2009 (759202) **CN600124705**

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to water entering the high voltage disconnect switch structure.

Date: 08/28/2009 (721238) **CN600124705**

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)
 Special Condition 13 PERMIT
 Special Terms & Conditions 15 PERMIT

Description: Failed to perform monthly sampling and testing for residual VOC, which constitutes the violation of NSR Permit 19109, Special Condition 13. (CATEGORY C1 Violation)

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Special Terms & Conditions 12(E) PERMIT
 Special Terms & Conditions 15 PERMIT
 Special Terms & Conditions 1A PERMIT

Description: Failure to seal one open-ended line with a cap, plug, blind flange, or a second

valve. [Category C10]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions 2F PERMIT
Description: Failed to create a final record of five reportable events no later than two weeks after the end of an emissions event. (CATEGORY C3 violation)

Date: 09/17/2009 (761496) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event.
Specifically, Equistar failed to prevent unauthorized emissions from the High Pressure Separator relief valve (L3Fug).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit the Initial Notification for a reportable emissions event within 24 hours of discovery of the event.

F. Environmental audits.

Notice of Intent Date: 11/28/2006
(534264)

No DOV Associated

Notice of Intent Date: 07/27/2007
(593661)

Disclosure Date: 04/29/2008

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-2
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026

Description: Failure to monthly monitor specific components.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)

Description: Failure to maintain 3 calibration precision tests and 19 daily calibration test records.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1064(g)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(e)(1)

Description: Failure to maintain Heavy Liquid Equipment Lists.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT NSR 4477

Description: Failure to close 4 open ended lines.

Notice of Intent Date: 07/31/2007
(593666)

Disclosure Date: 03/31/2008

Viol. Classification: Moderate
Citation:

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

Description: Failure to include all benzene waste streams at the facility in the total annual benzene quantity.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Description: Failure to meet benzene waste operations control standards for tanks, surface impoundments, containers, individual drain systems, oil water separators, treatment processes, closed vent systems and control devices.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failure to properly monitor, report, and maintain records for benzene waste operations.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

Description: Failure to follow test methods, procedures and compliance provisions for benzene waste operations.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)

Description: Failure to accurately calculate the benzene quantities of certain waste streams.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)

Description: Failure to determine the proper flow-weighted annual average benzene concentration.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)

Description: Failure to use all phases when determining the weighted-average benzene concentration.

Notice of Intent Date: 11/05/2007
(615486)

No DOV Associated

Notice of Intent Date: 11/05/2007
(615488)

No DOV Associated

Notice of Intent Date: 11/05/2007
(615489)

Disclosure Date: 08/20/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-2225

Description: Failure to comply with Title V operating permit O-2225.

Notice of Intent Date: 04/22/2008
(681801)

No DOV Associated

Notice of Intent Date: 06/23/2008
(688517)

No DOV Associated

Notice of Intent Date: 09/28/2009
(779143)

No DOV Associated

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: EQUISTAR CHEMICALS LA PORTE COMPLE

Reg Entity Add: 1515 MILLER CUT-OFF **Reg Entity No:**

Reg Entity City: LA PORTE **RN100210319**

Customer Name: Equistar Chemicals

Customer No: CN600124705

EPA Case No: 06-2004-3409

Order Issue Date (yyyymmdd): 20080128

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100210319

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-2024-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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a polymer manufacturing plant at 1515 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 9 and 15, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand Dollars (\$30,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code now pending in the U.S. Bankruptcy Court for the Southern District of

New York. Debtor remains as a debtor in possession and no trustee or examiner has been appointed. The Automatic Stay imposed by the Federal Bankruptcy Code (specifically, 11 USC § 362(a)) does not apply to the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power, by virtue of the exception set out at 11 USC § 362(b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 USC § 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. These violations having been incurred post-petition are entitled to be treated as an administrative expense priority for purposes of the claims hierarchy of payment from the bankruptcy estate. So long as the Debtor's bankruptcy proceedings are pending and/or until relief from the automatic stay is granted, the TCEQ will, however, not seek to execute upon any monetary judgment obtained without first approaching the United States Bankruptcy Court where the Debtor's bankruptcy case is pending as necessary, after consultation with the Office of the Attorney General. Six Thousand Dollars (\$6,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. Any deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty upon approval by the bankruptcy court.

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 matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent, in regard to Incident No. 129339, relocated the wiring and updated the corresponding documentation to designate the correct wiring to ensure against communication hardware malfunction on September 12, 2009.
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 prevent unauthorized emissions during Incident No. 127977, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No.

18978, Special Condition ("SC") 1, as documented during an investigation conducted on August 25, 2009. Specifically, on August 11, 2009, the Propylene Refrigeration Compressor ("PRC") tripped due to an interlock being initiated when the electric-to-hydraulic instrument was disconnected to repair the PRC causing the shut down of the Olefins Unit releasing 955.90 pounds ("lbs") of volatile organic compounds ("VOCs") to the atmosphere for 12 hours. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to prevent unauthorized emissions during Incident No. 128616, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 18978, SC 1, as documented during an investigation conducted on September 8, 2009. Specifically, on August 25, 2009, upon reinstallation of the connect plug after a two-year preventative maintenance test and calibration of the electro-mechanical protection relays, a mechanical vibration of the trip relay contact caused a power failure at the Olefins Unit releasing 481.51 lbs of VOCs, 391.13 lbs of carbon monoxide ("CO"), and 65.54 lbs of nitrogen oxides to the atmosphere for 13 hours. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. Failed to prevent unauthorized emissions during Incident No. 129339, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 18978, SC 1, as documented during an investigation conducted on September 25, 2009. Specifically, on September 12, 2009, the Olefins Unit Safety Interlock 381 received an open-loop signal which opened Valve XV-34201, unloading the reactor contents to the flare, releasing 309.33 lbs of VOCs and 222.6 lbs of CO to the atmosphere for one hour. Since the emissions event could have been avoided through proper operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. However, the agreement by the Respondent to the assessment of a penalty is expressly not in lieu of or an alternative to compliance with all injunctive requirements in this Agreed Order. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments when paid shall be made payable to "TCEQ" and sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2009-2024-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement maintenance procedures and ensure the completion of additional training to help prevent tripping the PRC (Incident No. 127977); and,
 - ii. Install warning labels to prevent mechanical vibration of the relay trip contact and implement procedures to help ensure against tripping of the breaker (Incident No. 128616).
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. 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 S. Zoller
For the Executive Director

Date 4/23/2010

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 further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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, or to a collection agency;
- 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.

Courtney Ruth
Signature

Date 3-23-10

Courtney Ruth
Name (Printed or typed)
Authorized Representative of
Equistar Chemicals, LP

Title Site Manager

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