

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-0010-AIR-E **TCEQ ID:** RN100221662 **CASE NO.:** 38925
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 Corpus Christi Plant, 1501 McKinzie Road, Corpus Christi, Nueces County</p> <p>TYPE OF OPERATION: Chemical 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 two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1350-AIR-E and 2007-1469-IHW-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 17, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Randal Tatum, Plant Manager, Equistar Chemicals, LP, P.O. Box 10940, Corpus Christi, Texas 78460-0940 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 9, 2009</p> <p>Date of NOV/NOE Relating to this Case: December 18, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions during Incident No. 127543. Specifically, during the July 31, 2009 emissions event, the following unauthorized emissions were released over a period of two hours and six minutes when tubes on Debutanizer Reboiler C-1775B began leaking, due to inadequate welds, and were released to the atmosphere through the deaerator: 162.39 pounds ("lbs") of pentene, 91.2 lbs of benzene, 28.03 lbs of 1-hexene, 4.7 lbs of toluene, 3.19 lbs of heptene, 0.27 lb of C9+, 0.10 lb of xylene, 0.03 lb of butadiene, 0.02 lb of butane, and 0.02 lb of butene isomers. Since the emissions event could have been avoided through better maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Federal Operating Permit No. O-01486, Special Condition No. 2.I., Air Permit No. 4682B and PSD-TX-761M1, General Conditions, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$4,850</p> <p>Total Deferred: \$970 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$0</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 \$3,880 due pending outcome of bankruptcy proceedings)</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 on January 20, 2010, the Respondent completed a review of certifications and qualification of inspectors and welders and a review and inspection of related welding jobs to ensure quality control.</p>

Additional ID No(s): NE0051B



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ
DATES

Assigned	21-Dec-2009	Screening	4-Jan-2010	EPA Due	14-Sep-2010
PCW	25-Jan-2010				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	38925	No. of Violations	1
Docket No.	2010-0010-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes:

Culpability Enhancement **Subtotal 4**

Notes:

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$118	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes:

PAYABLE PENALTY

Screening Date 4-Jan-2010

Docket No. 2010-0010-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 38925

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221662

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

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)	0	0%
	Other written NOVs	11	22%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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)	10	-10%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	4	-8%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 104%

>> 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 11 NOVs for unrelated violations, two agreed orders with a denial of liability, and two court orders with a denial of liability. Penalty reduction due to ten Notices of Intended Audits and four Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 104%

Screening Date 4-Jan-2010

Docket No. 2010-0010-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 38925

PCW Revision October 30, 2000

Reg. Ent. Reference No. RN100221662

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit No. O-01486, Special Condition No. 2.I., Air Permit No. 4682B and PSD-TX-761M1, General Conditions, 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during Incident No. 127543. Specifically, during the July 31, 2009 emissions event the following unauthorized emissions were released over a period of two hours and six minutes when tubes on Debutanizer Reboiler C-1775B began leaking, due to inadequate welds, and were released to the atmosphere through the deaerator: 162.39 pounds ("lbs") of pentene, 91.2 lbs of benzene, 28.03 lbs of 1-hexene, 4.7 lbs of toluene, 3.19 lbs of heptene, 0.27 lb of C9+, 0.10 lb of xylene, 0.03 lb of butadiene, 0.02 lb of butane, and 0.02 lb of butene isomers. Since the emissions event could have been avoided through better maintenance practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and mark only one with an x.

Violation Base Penalty \$2,500

One quarterly event is recommended based on the July 31, 2009 emissions event.

Good Faith Efforts to Comply

Table with columns: Reduction (10.0% Before NOV, NOV to EDPRP/Settlement Offer), Extraordinary, Ordinary, N/A, and Notes.

\$250

Notes The Respondent completed corrective actions on January 20, 2010, which was after the September 9, 2009 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$118

Statutory Limit Test

Violation Final Penalty Total \$4,850

This violation Final Assessed Penalty (adjusted for limits) \$4,850

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP

Case ID No. 38925

Reg. Ent. Reference No. RN100221662

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Jul-2009	20-Jan-2010	0.47	\$118	n/a	\$118

Notes for DELAYED costs

Estimated cost to review certifications and qualifications of welding staff and to review past welding jobs for quality control to ensure that leaks are prevented through adequate welding and inspection. The date required is the date of the emissions event. The final date is the date corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$118

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124705 Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN100221662 EQUISTAR CORPUS CHRISTI PLANT	Classification: AVERAGE	Site Rating: 2.60
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0051B
	AIR OPERATING PERMITS	PERMIT	1486
	WASTEWATER	PERMIT	WQ0002075000
	WASTEWATER	PERMIT	TPDES0076996
	WASTEWATER	PERMIT	TX0076996
	AIR NEW SOURCE PERMITS	PERMIT	4682B
	AIR NEW SOURCE PERMITS	PERMIT	6745B
	AIR NEW SOURCE PERMITS	PERMIT	10664A
	AIR NEW SOURCE PERMITS	PERMIT	18358
	AIR NEW SOURCE PERMITS	PERMIT	26401
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0051B
	AIR NEW SOURCE PERMITS	PERMIT	51781
	AIR NEW SOURCE PERMITS	AFS NUM	4835500089
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX761
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX732
	AIR NEW SOURCE PERMITS	REGISTRATION	78877
	AIR NEW SOURCE PERMITS	REGISTRATION	88973
	AIR NEW SOURCE PERMITS	EPA ID	P732M2
	AIR NEW SOURCE PERMITS	EPA ID	P732M1
	AIR NEW SOURCE PERMITS	EPA ID	P732
	AIR NEW SOURCE PERMITS	REGISTRATION	84759
	AIR NEW SOURCE PERMITS	PERMIT	83864
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1120
	AIR NEW SOURCE PERMITS	REGISTRATION	85148
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW152
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW153
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000836445
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31685
	STORMWATER	PERMIT	TXR05L891
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31685
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670097
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NE0051B
Location:	1501 MCKINZIE RD, CORPUS CHRISTI, TX, 78410		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		

Date Compliance History Prepared: January 04, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 04, 2005 to January 04, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Rebecca Johnson Phone: (361) 825-3420

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? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
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: 04/13/2007

ADMINORDER 2006-1222-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Conditions PERMIT

Description: Failure to comply with the general condition contained in the permit document. Specifically, Equistar failed to comply with the Maximum Allowable Emissions Rate Table (MAERT) for Emission Point Number 23A, Tank F2009A.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Conditions PERMIT

Description: Failure to comply with the general conditions contained in the permit document. Specifically, Equistar failed to comply with the MAERT on September 20, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 4682B General Conditions PERMIT

PSD-TX-761M1 PERMIT

Description: Failed to prevent the unauthorized release of 73 lbs of benzene from The Bezene Tank, EPN No. 23A, during an emissions event that began on May 1, 2006 and lasted for one hour.

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: General Condition PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and gain an affirmative defense for emissions that were released from the Corpus Christi Plant during three separate emissions events (TCEQ incidents 38959, 39011 and 39040) which occurred on or about May 2 and 4, 2004.

Effective Date: 10/23/2008

ADMINORDER 2008-0591-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 4682B, General Conditions OP

Special Condition No. 27(C) OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,535.50 pounds ("lbs") of carbon monoxide, 634.78 lbs of nitrogen oxides, 2,554.69 lbs of volatile organic compounds and 102.72 lbs of the Hazardous Air Pollutant benzene from the Olefins Unit during an avoidable emissions event that began December 13, 2007 and lasted seven hours and 44 minutes. Furthermore, as a result of the event, visible emissions exceeded five minutes during a consecutive two hour period.

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	01/14/2005	(345350)
2	02/09/2005	(349203)
3	02/23/2005	(350968)
4	02/23/2005	(350977)
5	03/22/2005	(372663)
6	03/22/2005	(372684)
7	03/22/2005	(386284)
8	03/22/2005	(386285)
9	04/19/2005	(424181)
10	04/25/2005	(424183)
11	06/20/2005	(424182)
12	06/20/2005	(424184)
13	06/30/2005	(397650)
14	07/20/2005	(401021)
15	07/21/2005	(396829)
16	07/27/2005	(398968)
17	07/27/2005	(399203)
18	08/29/2005	(406863)
19	09/23/2005	(444969)
20	09/23/2005	(444970)
21	09/23/2005	(444971)
22	10/08/2005	(433519)
23	10/14/2005	(475936)
24	11/14/2005	(435247)
25	11/18/2005	(436148)
26	12/14/2005	(438818)
27	12/20/2005	(449950)
28	12/27/2005	(475937)
29	01/03/2006	(497005)
30	02/14/2006	(453558)
31	02/14/2006	(453564)
32	02/14/2006	(475935)
33	03/20/2006	(503169)
34	04/20/2006	(503170)
35	05/12/2006	(464782)

36	05/12/2006	(464792)
37	05/21/2006	(461850)
38	05/21/2006	(461856)
39	05/22/2006	(503171)
40	06/05/2006	(466665)
41	06/19/2006	(503172)
42	06/19/2006	(503173)
43	06/29/2006	(484695)
44	07/07/2006	(485712)
45	08/01/2006	(487607)
46	08/14/2006	(525519)
47	08/22/2006	(488431)
48	09/11/2006	(525523)
49	09/13/2006	(510579)
50	09/15/2006	(486877)
51	09/15/2006	(512148)
52	09/26/2006	(487967)
53	10/12/2006	(525520)
54	10/12/2006	(525521)
55	10/12/2006	(525522)
56	10/16/2006	(514019)
57	10/18/2006	(513459)
58	10/27/2006	(514855)
59	11/06/2006	(585378)
60	11/08/2006	(518139)
61	12/05/2006	(585379)
62	12/19/2006	(533724)
63	01/04/2007	(534598)
64	01/18/2007	(535899)
65	01/31/2007	(538736)
66	02/09/2007	(536898)
67	02/09/2007	(585371)
68	02/18/2007	(534352)
69	02/18/2007	(538362)
70	03/09/2007	(585372)
71	04/06/2007	(585373)
72	04/12/2007	(554052)
73	04/12/2007	(554059)
74	05/14/2007	(560090)
75	05/17/2007	(585374)
76	05/31/2007	(543205)
77	06/14/2007	(585375)
78	07/10/2007	(585376)
79	08/07/2007	(585377)
80	08/29/2007	(573523)
81	09/05/2007	(608531)
82	09/05/2007	(608532)
83	10/08/2007	(608530)
84	12/10/2007	(623665)
85	12/10/2007	(623666)
86	01/23/2008	(614842)
87	01/23/2008	(614862)
88	03/06/2008	(636138)
89	03/10/2008	(674895)
90	03/10/2008	(674897)
91	03/25/2008	(636861)
92	03/25/2008	(636868)
93	03/27/2008	(637272)
94	03/31/2008	(617000)

95 04/07/2008 (674896)
 96 04/21/2008 (636550)
 97 05/01/2008 (654885)
 98 05/20/2008 (641326)
 99 05/28/2008 (671717)
 100 06/09/2008 (693253)
 101 06/09/2008 (693255)
 102 06/09/2008 (693256)
 103 07/17/2008 (693254)
 104 08/04/2008 (685736)
 105 08/04/2008 (687425)
 106 08/21/2008 (687104)
 107 09/10/2008 (636827)
 108 09/30/2008 (703626)
 109 10/06/2008 (714486)
 110 10/06/2008 (714487)
 111 11/07/2008 (714488)
 112 12/11/2008 (730457)
 113 12/12/2008 (730456)
 114 12/17/2008 (721096)
 115 12/17/2008 (721316)
 116 12/19/2008 (685409)
 117 02/16/2009 (725853)
 118 02/16/2009 (725855)
 119 02/17/2009 (725609)
 120 02/17/2009 (725616)
 121 02/26/2009 (736149)
 122 03/05/2009 (753671)
 123 03/05/2009 (753673)
 124 03/12/2009 (738169)
 125 04/14/2009 (753672)
 126 05/05/2009 (771096)
 127 05/05/2009 (771098)
 128 06/05/2009 (744956)
 129 06/08/2009 (771095)
 130 06/08/2009 (771097)
 131 06/17/2009 (749601)
 132 06/17/2009 (749605)
 133 06/18/2009 (749701)
 134 07/08/2009 (749424)
 135 10/13/2009 (778586)
 136 12/07/2009 (784376)
 137 12/11/2009 (782487)
 138 12/11/2009 (784617)
 139 12/11/2009 (785047)
 140 12/18/2009 (767504)

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

Date: 01/31/2005 (359960)

Self Report? YES

Classification: Moderate

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

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

Date: 07/25/2005 (396829)

Self Report? NO

Classification: Moderate

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

Description: Failure to comply with self-monitored effluent quality limitations.

Date: 01/03/2006 (497005)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/21/2006 (488431)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(a)
Special Condition 3 PERMIT
Special Conditions 24(VHAP) and 25(VOC) PERMIT

Description: Failure to equip open-ended lines with a cap, blind, plug or a secondary valve.

Date: 08/30/2007 (573523)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(g)(4)
Permit No. 6745B, Special Condition 3E PERMIT

Description: Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. Specifically, open-ended lines identified in Company Event Nos.: 37296, 39205 and 40015 were not equipped with a cap, blind flange, plug or a second valve as required. A total of 5 open-ended lines for all events combined were found not to have been equipped with a plug, cap, blind flange or second valve.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)
Permit No. 4682B/PSD-TX-761, SC24 & 25 PERMIT

Description: Failure to conduct monthly monitoring as required by state permit and federal rule. Specifically, six pumps identified in Company Event No.: 37265 were not monitored monthly in accordance with reference method 21. 40 CFR §

63.1023(b) Subpart UU, National Emission Standards For Equipment Leaks: Control Level 2 Standards and TCEQ Air Permit No. 4682B, Special Condition Nos. 24 and 25 are applicable to company event no. 37265.

Date: 08/31/2007 (525521)

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: 04/30/2008 (674897)

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: 05/20/2008 (641326)

Self Report? NO Classification: Moderate

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

TPDES Permit No.WQ0002075-000 PERMIT
Description: Failure to meet self-monitored effluent limitations for chloroform and sulfides.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
TPDES Permit No. WQ0002075-000 PERMIT
Description: Failure to analyze ammonia as nitrogen within the required holding time.

Date: 08/21/2008 (687104)

Self Report? NO Classification: Moderate
Citation: [4682B/PSD-TX-761M1] Special Cond. 24 E PERMIT
[4682B/PSD-TX-761M1] Special Cond. 25 E PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. As per the TCEQ Enforcement Initiation Criteria (Revision No. 12, Effective July 1, 2008), this violation is classified as a Category C-10.

Self Report? NO Classification: Moderate
Citation: [6745B] Special Cond. 3E PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. As per the TCEQ Enforcement Initiation Criteria (Revision No. 12, Effective July 1, 2008), this violation is classified as a Category C-10.

Self Report? NO Classification: Moderate
Citation: [FOP #O-1486] General Terms & Conds. OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with Federal Operating Permit (FOP) Reporting Terms and Conditions for FOP No. O-01486. [Failed to identify all instances of deviations.]

Self Report? NO Classification: Moderate
Citation: [4682B/PSD-TX-761M1] Special Cond. 27A PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
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)

Description: Failure to comply with permit special conditions. [The flare (L-2019B) was below 300 btu/sc].

Self Report? NO Classification: Moderate
Citation: [4682B/PSD-TX-761M1] Special Cond. 13 PERMIT
[4682B/PSD-TX-761M1] Special Cond. 19 PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 101, SubChapter A 101.20(3)
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)

Description: Failure to comply with permit special conditions. [permit exceedances]

Date: 07/07/2009 (749424)

Self Report? NO Classification: Moderate
Citation: [FOP No. O-01486] STC 15 OP
[NSR Pmt No. 4682B/PSD-TX-761M1] SC 24E PERMIT

[NSR Pmt. No. 4682B/PSD-TX-761M1] SC 25E PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, between February 27, 2008 and February 26, 2009, open-ended lines (OEL) Identified in Company Event Nos. 58360, 54808, 55553, 57421, 58811, 58839 and 64334 were not equipped with a cap or plug as required. A total of eighteen (18) OELs for all events combined were found not to have been equipped with a plug, cap, blind flange or second valve.

Self Report? NO Classification: Moderate

Citation: [FOP No. O-01486] STC 15 OP
[NSR Pmt. No. 4682B/PSD-TX-761M1] SC 24H PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
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)

Description: Failure to verify that a leaking component was repaired within 15 days after the leak was found. Specifically, the C-1787F Propylene Refrig Condenser Process Flange was not monitored in 15 days from the date of repair on November 7, 2008. Company Event No. 61819 was reported as a deviation in the Semiannual Deviation Report dated March 27, 2009.

Date: 12/11/2009 (785047)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)

Description: Failure to comply with accumulation time regulations and operate the satellite accumulation area at or near the point of generation.

F. Environmental audits.

Notice of Intent Date: 11/28/2006 (534480)

No DOV Associated

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

Disclosure Date: 03/20/2008

Viol. Classification: Moderate

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

Description: Failure to maintain a complete list of BWON wastes.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)

Description: Failure to maintain the TAB for the facility at less than 10 Mg/yr.

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 follow all BWON control requirements applicable to facilities with TAB or 10 or more Mg/yr benzene.

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 follow all BWON monitoring, recordkeeping, and reporting requirements applicable to facilities with TAB of 10 or more Mg/yr benzene.

Viol. Classification: Moderate

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

Description: Failure to follow all BWON test methods, procedures, and compliance provisions applicable to facilities with TAB of 10 or more Mg/yr benzene.

Viol. Classification: Minor

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 maintain accurate benzene quantities of certain waste streams calculated for the TAB, including the characterization of organic phase.

Viol. Classification: Moderate

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

Description: Failure to properly flow-weight the benzene concentrations for some waste streams.

Viol. Classification: Moderate

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

Description: Failure to properly incorporate the organic phase into the characterization of some multiple-phase wastes, including: spent caustic, NESHAP System discharges, streams incorporated into "Maintenance Waste".

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.122

Description: Failure to include regulatory applicability for BWON rules for a "greater than 10 MG site" in the Title V permit.

Notice of Intent Date: 08/31/2007 (595543)

Disclosure Date: 07/02/2008

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R 335.510

30 TAC Chapter 335, SubChapter R 335.511

30 TAC Chapter 335, SubChapter C 335.62

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R 335.513

Description: Failure to send complete waste stream characterization documentation with waste sent to on-site impoundments (landfill and BDU impoundment).

Notice of Intent Date: 08/31/2007 (595548)

No DOV Associated

Notice of Intent Date: 08/31/2007 (595555)

Disclosure Date: 07/30/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-1486

Description: Failure to comply with Title V Operating Permit O-1486.

Notice of Intent Date: 09/07/2007 (595516)

No DOV Associated

Notice of Intent Date: 10/10/2007 (598770)

Disclosure Date: 09/23/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)

Description: Failure to repair equipment timely. Specifically, there were two equipment leaks that did not have a first repair attempt within 5 days and 1 equipment leak that did not have a final repair attempt within 15 days and were not on the delay of repair list.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(b)(2)

Description: Failure to fully maintain records regarding delay of repair. Specifically, 7 equipment leaks were not repaired within 15 days that did meet the requirements, and were documented as meeting the requirements,

to be put on the delay of repair, since these 7 items were not put on the delay of repair list they were not addressed in the periodic reports.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)

Description: Failure to include 3 valves in the leak detection and repair program.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR Permit 4682B

PERMIT PSD Permit TX761M1

Description: Failure to properly tag 1 component in delay of repair. Specifically, the component with Tag ID 235160 was a delay of repair item that did not have leak tag attached. This component did have delay of repair tag attached but it was not dated.

Notice of Intent Date: 05/29/2008 (688494)

No DOV Associated

Notice of Intent Date: 06/17/2008 (688536)

No DOV Associated

Notice of Intent Date: 09/30/2009 (779140)

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

nks ***Addendum to Compliance History Federal Enforcement Actions***

Reg Entity Name: CORPUS CHRISTI PLANT

Reg Entity Add: 1501 MCKINZIE ROAD **Reg Entity No:**

Reg Entity City: CORPUS CHRISTI **RN100221662**

Customer Name: Equistar Chemicals

Customer No: CN600124705

EPA Case No: 06-2004-3409

Order Issue Date (yyyymmdd): 20080126

Case Result: Final Order with Penalty

Statute: 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
RN100221662**

§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-0010-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 chemical manufacturing plant at 1501 McKinzie Road in Corpus Christi, Nueces 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 23, 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 Four Thousand Eight Hundred Fifty Dollars (\$4,850) 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. Nine Hundred Seventy Dollars (\$970) 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 on January 20, 2010, the Respondent completed a review of certifications and qualification of inspectors and welders and a review and inspection of related welding jobs to ensure quality control.
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 failed to prevent unauthorized emissions during Incident No. 127543, in violation of Federal Operating Permit No. O-01486, Special Condition No. 2.I., Air Permit No. 4682B and PSD-TX-761M1, General Conditions, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 9, 2009. Specifically, during the July 31, 2009 emissions event the following unauthorized emissions were released over a period of two hours and six minutes when tubes on Debutanizer Reboiler C-1775B began leaking, due to inadequate welds, and were released to the atmosphere through the deaerator: 162.39 pounds ("lbs") of pentene, 91.2 lbs of benzene, 28.03 lbs of 1-hexene, 4.7 lbs of toluene, 3.19 lbs of heptene, 0.27 lb of C9+, 0.10 lb of xylene, 0.03 lb of butadiene, 0.02 lb of butane, and 0.02 lb of butene isomers. Since the emissions event could have been avoided through better maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 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. 2010-0010-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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This 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.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Ordlin

For the Executive Director

4/15/2010

Date

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 is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Randal Tatum

Signature

3-11-2010

Date

RANDAL TATUM

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

PLANT MANAGER

Title

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

