

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0480-AIR-E **TCEQ ID:** RN100210574 **CASE NO.:** 37415
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 Chocolate Bayou Complex, located on Farm-to-Market Road 2917, 12 miles south of Alvin and 15 miles southeast of Liverpool, Brazoria County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-1896-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 31, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney/SEP Coordinator: None</p> <p>TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495</p> <p>Respondent: Mr. Daniel Pichette, Plant Manager, Equistar Chemicals, LP, P.O. Box 2917, Alvin, Texas 77512</p> <p>Respondent's Attorney: Mr. Deryck A. Palmer, Esq., Cadwalader, Wickersham, & Taft, LLP, One World Financial Center, New York, New York 10281</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: January 29, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 23, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions during Incident No. 116319. Specifically, during the November 4, 2008 emissions event, 1,547.21 pounds ("lbs") of unauthorized volatile organic compounds ("VOCs") were released, which included 94.68 lbs of 1,3 butadiene, 623.52 lbs of ethylene, 557.77 lbs of propylene, and 31.25 lbs of benzene. These VOCs were released from the Olefins Main Flare due to a malfunction of the secondary pump for a period of 37 hours and 22 minutes. Since the emissions event could have been avoided through better 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. 4634B, Special Condition No. 1].</p>	<p>Total Assessed: \$8,925</p> <p>Total Deferred: \$1,785 <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 January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court a voluntary petition for relief under chapter 11 of the Bankruptcy Code.</p> <p>(The remaining \$7,140 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 November 6, 2008, the Respondent repaired the primary and secondary pumps, and reviewed proper procedures with personnel.</p>

Additional ID No(s): BL01131



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	30-Mar-2009	Screening	3-Apr-2009	EPA Due	29-Jun-2009
	PCW	6-Apr-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37415	No. of Violations	1
Docket No.	2009-0480-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. 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**

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
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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 3-Apr-2009

Docket No. 2009-0480-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 37415

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210574

Media [Statute] Air

Enf. Coordinator Audra Benolt

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)	17	85%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	12	-12%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
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) 282%

>> Repeat Violator (Subtotal 3)

N/A

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 17 same or similar NOVs, 9 unrelated NOVs, three agreed orders with denial of liability, four agreed orders without denial of liability and one court order. Penalty reduction due to 12 Notices of Intended Audits and two Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 282%

Screening Date 3-Apr-2009 **Docket No.** 2009-0480-AIR-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 2 (September 2002)*
Case ID No. 37416 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100210574

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 4634B, Special Condition No. 1

Violation Description
 Failed to prevent unauthorized emissions during incident No. 116319. Specifically, during the November 4, 2008 emissions event, 1,547.21 pounds ("lbs") of unauthorized volatile organic compounds ("VOCs") were released, which included 94.68 lbs of 1,3 butadiene, 623.52 lbs of ethylene, 557.77 lbs of propylene, and 31.26 lbs of benzene. These VOCs were released from the Clefins Main Flare due to a malfunction of the secondary pump for a period of 37 hours and 22 minutes. Since the emissions event could have been avoided through better 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			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 the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 2 Number of violation days

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 for the emissions event which occurred November 4-5, 2008.

Good Faith Efforts to Comply

25.0% Reduction \$625

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes Compliance was achieved on November 6, 2008, prior to the March 23, 2009 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$8,925

This violation Final Assessed Penalty (adjusted for limits) \$8,925

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 37415
Reg. Ent. Reference No. RN100210574
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$3,000	4-Nov-2008	6-Nov-2008	0.01	\$0	\$1	\$1
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the primary and secondary pumps, and review proper procedures with personnel. 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)

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

\$3,000

TOTAL

\$1

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124705 Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.91
Regulated Entity:	RN100210574 EQUISTAR CHEMICALS CHOCOLATE BAYOU COMPLEX	Classification: AVERAGE	Site Rating: 5.72

ID Number(s):	Description	Type	ID/Number
	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0113I
	AIR OPERATING PERMITS	PERMIT	1287
	AIR OPERATING PERMITS	PERMIT	2259
	AIR OPERATING PERMITS	PERMIT	2260
	AIR OPERATING PERMITS	PERMIT	2261
	AIR OPERATING PERMITS	PERMIT	2643
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5060
	AIR NEW SOURCE PERMITS	PERMIT	12467A
	AIR NEW SOURCE PERMITS	PERMIT	4634B
	AIR NEW SOURCE PERMITS	PERMIT	18423
	AIR NEW SOURCE PERMITS	PERMIT	18708
	AIR NEW SOURCE PERMITS	PERMIT	19480
	AIR NEW SOURCE PERMITS	PERMIT	19558
	AIR NEW SOURCE PERMITS	PERMIT	20993
	AIR NEW SOURCE PERMITS	PERMIT	31081
	AIR NEW SOURCE PERMITS	PERMIT	35470
	AIR NEW SOURCE PERMITS	PERMIT	46084
	AIR NEW SOURCE PERMITS	PERMIT	48203
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0113I
	AIR NEW SOURCE PERMITS	REGISTRATION	71973
	AIR NEW SOURCE PERMITS	PERMIT	52383
	AIR NEW SOURCE PERMITS	PERMIT	52392
	AIR NEW SOURCE PERMITS	AFS NUM	4803900048
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX988
	AIR NEW SOURCE PERMITS	PERMIT	53893
	AIR NEW SOURCE PERMITS	REGISTRATION	74126
	AIR NEW SOURCE PERMITS	REGISTRATION	73612
	AIR NEW SOURCE PERMITS	REGISTRATION	74624
	AIR NEW SOURCE PERMITS	REGISTRATION	74627
	AIR NEW SOURCE PERMITS	REGISTRATION	74623
	AIR NEW SOURCE PERMITS	REGISTRATION	76666
	AIR NEW SOURCE PERMITS	REGISTRATION	77176
	AIR NEW SOURCE PERMITS	REGISTRATION	78280
	AIR NEW SOURCE PERMITS	REGISTRATION	78395

AIR NEW SOURCE PERMITS	REGISTRATION	78399
AIR NEW SOURCE PERMITS	REGISTRATION	78613
AIR NEW SOURCE PERMITS	REGISTRATION	78775
AIR NEW SOURCE PERMITS	REGISTRATION	78332
AIR NEW SOURCE PERMITS	REGISTRATION	79182
AIR NEW SOURCE PERMITS	REGISTRATION	81006
AIR NEW SOURCE PERMITS	REGISTRATION	81168
AIR NEW SOURCE PERMITS	REGISTRATION	81170
AIR NEW SOURCE PERMITS	REGISTRATION	81379
AIR NEW SOURCE PERMITS	REGISTRATION	82187
AIR NEW SOURCE PERMITS	REGISTRATION	85182
AIR NEW SOURCE PERMITS	REGISTRATION	84559
AIR NEW SOURCE PERMITS	REGISTRATION	87706
AIR NEW SOURCE PERMITS	REGISTRATION	85065
AIR NEW SOURCE PERMITS	REGISTRATION	83415
AIR NEW SOURCE PERMITS	REGISTRATION	82976
AIR NEW SOURCE PERMITS	PERMIT	83777
AIR NEW SOURCE PERMITS	REGISTRATION	82916
AIR NEW SOURCE PERMITS	REGISTRATION	84428
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200493
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980627137
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32212
USED OIL	ID NUMBER	HOU00063
WATER LICENSING	LICENSE	0200493
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50057
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	32212

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 13, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 13, 2004 to April 13, 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 of the site during the compliance period? Yes

3. If Yes, who is the current owner? N/A
Equistar Chemicals, LP
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 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: 11/11/2004

ADMINORDER 2002-0886-AIR-E

Classification: Moderate

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

Rqmt Prov: SC13 PERMIT

Description: Failed to operate below the maximum liquid flow rate of 12 gallons per minute to the Wet Air Oxidizer (83 exceedances noted between January 2001 and April 9, 2002) and below the maximum benzene by weight concentration of 100 parts per million (6 exceedances noted between March and April 2002).

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

Description: Failed to meet VOCs emission limitations of 7.76 tpy as specified in the permit's Maximum Allowable Emission Rate Table ("MAERT"). Emissions from EPN 318Z3 in the Methyl Tertiary Butyl Ether ("MTBE")/Butadiene Unit were 8.75 tpy in 1999 and 8.13 tpy in 2000.

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

Description: Failed to meet particulate matter emission limitations of .09 tpy as specified in the permit's MAERT. Emissions from EPN 81H2 MTBE/Butadiene Unit were. 0.1 tpy in 1999.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8A PERMIT

Description: Failed to route the waste gas streams from the pressure relief valve located on the Butadiene column to the flare.

Classification: Moderate

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

Rqmt Prov: SC 3 PERMIT

Description: Failed to monitor the VOCs associated with the outlet cooling tower water samples.

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to monitor and record speciated VOCs associated with the cooling tower water samples in January and April 2000.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to conduct quarterly fugitive monitoring of valves 677, 678, 679, 680, and ISA 230 which are subject to HON.

Effective Date: 11/18/2006

ADMINORDER 2006-0495-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #4634B, SC1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 4634B PERMIT

Description: Failure to prevent an avoidable emission event.

Effective Date: 03/19/2007

ADMINORDER 2006-1066-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to comply with permitted emission limits at the F Street Separator (EPN 316S2) and allowing unauthorized emissions at the F Street oily water sewer area. The emission event resulted from the backflow of VOC-laden wastewater from the F Street Separator sump into system piping

Effective Date: 06/29/2007

ADMINORDER 2006-1713-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 08/31/2007

ADMINORDER 2007-0039-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Air Permit No.19558, SC1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event that started on April 20, 2004. Since the emissions event was avoidable, not properly reported, and determined to be excessive, Equistar was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

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

Description: Failed to report the April 20, 2004 emissions event within twenty-four hours after discovery.

Effective Date: 09/21/2007

ADMINORDER 2007-0132-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

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

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

Rqmt Prov: No 4634A PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Major

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

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Minor

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

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

Classification: Minor

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

Description: Failed to identify preconstruction authorization emissions limits.

Classification: Moderate

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

Rqmt Prov: 18423 S.C No.1 PERMIT

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

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

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7

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

Description: Failure to monitor 146 valves in Volatile Hazardous Air Pollutant (VHAP) service in the Utilities Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) Part 60, during the certification period.

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.354(2)(B)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2

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

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

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

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

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

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
Description: Failure to maintain the flare minimum heating value of 300 BTU/scf during the reactor regeneration periods in the Utilities Unit on October 6, & 29, November 26, December 22, & 28 of year 2003 and on January 28, February 9, and May 12, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
Description: Failure to collect the monthly benzene wastewater samples at the waste stream exit point in June 2003, July 2003, and July 2004.
Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)(3)
Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
Description: Failure to keep the records of time and duration of maintenance activity, during the certification period.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(b)
Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
Description: Failure to conduct the quarterly visual inspection of oil-water separators with Identification Numbers 20S1 and 90S4.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Rqmt Prov: O-02259, General Terms & Conditions OP
Description: Failure to report some instances of deviations in the Utilities Unit in the report dated January 14, 2003.
Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.121
Description: Failure to represent the VOC's and benzene fugitives emissions from the Utilities Unit in the Title V operating permit No. O-02259.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247(b)(4)
Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
Description: Failure to include the total number of valves and pumps added to the fugitive monitoring program (revisions) in the semiannual report submitted on April 27, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(A)
30 TAC Chapter 106, SubChapter T 106.452(2)(D)
Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
Description: Failure to register the dry abrasive cleaning facility and also exceeded the abrasive material daily usage rate for 13 days. The abrasive material usage ranged from 1.5 tons to 2.3 tons.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter S 106.433(7)(A)
30 TAC Chapter 106, SubChapter S 106.433(9)
Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
Description: Failure to register the surface coating facility and also exceeded the limit of six lb/hr of VOC emissions, averaged over five hour period for four days during the certification period.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Rqmt Prov: 18423, General Condition No.1 PERMIT
O-02259, Special Terms&Conditions No.15 OP
Description: Failure to represent the emissions from the hydrocarbon rag layer for the storage tanks 316T5 and 316T6.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
Rqmt Prov: O-02260 STC 1.A OP

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

Description: Failure to cap or plug 46 open ended lines in the Aromatics/Isoprene Unit discovered between September 25, 2003 and February 26, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 19480, S. C. 1 PERMIT

O-02260, S. C. 20 OP

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

Classification: Moderate

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

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

Special Condition 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

Effective Date: 10/06/2008

ADMINORDER 2008-0564-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Permit Registration PERMIT

TCEQ Permit No. 4634B, SC #1 PERMIT

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

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/12/2004	{269260}
2	07/19/2004	{278402}
3	07/23/2004	{250413}
4	10/12/2004	{293360}
5	10/26/2004	{338100}
6	11/04/2004	{339181}
7	11/22/2004	{341016}
8	11/22/2004	{341024}
9	11/22/2004	{341169}
10	11/22/2004	{341236}
11	11/22/2004	{341355}
12	11/22/2004	{341455}
13	11/29/2004	{289697}
14	11/30/2004	{259259}
15	12/28/2004	{344869}
16	12/30/2004	{344993}
17	12/31/2004	{345634}
18	01/07/2005	{344601}
19	01/19/2005	{345344}
20	01/31/2005	{347433}
21	03/15/2005	{371378}
22	03/16/2005	{373784}
23	03/18/2005	{373943}
24	04/14/2005	{377117}
25	05/02/2005	{379552}
26	05/09/2005	{293362}
27	05/19/2005	{371475}
28	06/21/2005	{375806}
29	06/22/2005	{375724}
30	06/22/2005	{375761}
31	07/08/2005	{397149}

32 07/14/2005 (376596)
33 07/25/2005 (400224)
34 08/09/2005 (376612)
35 08/25/2005 (399824)
36 08/31/2005 (418596)
37 08/31/2005 (418729)
38 09/29/2005 (375003)
39 12/01/2005 (437309)
40 12/12/2005 (435274)
41 12/12/2005 (435301)
42 02/16/2006 (454291)
43 02/28/2006 (452437)
44 03/17/2006 (457658)
45 04/26/2006 (459338)
46 05/11/2006 (289782)
47 05/23/2006 (463924)
48 05/30/2006 (466880)
49 06/14/2006 (480490)
50 06/23/2006 (457277)
51 06/29/2006 (484154)
52 06/30/2006 (483594)
53 08/04/2006 (482173)

54 08/16/2006 (484908)
55 08/18/2006 (487675)
56 09/01/2006 (497420)
57 09/11/2006 (490208)
58 09/29/2006 (508950)
59 10/19/2006 (511684)
60 10/31/2006 (516242)
61 11/16/2006 (517613)
62 11/29/2006 (274682)
63 12/05/2006 (518249)
64 01/10/2007 (455112)
65 02/05/2007 (533849)
66 02/14/2007 (532591)
67 02/22/2007 (539187)
68 03/06/2007 (532588)
69 03/09/2007 (497404)
70 03/09/2007 (497419)
71 04/05/2007 (532553)
72 04/11/2007 (555128)
73 05/10/2007 (532558)
74 05/10/2007 (532583)
75 05/14/2007 (540652)
76 05/14/2007 (557851)
77 05/31/2007 (559803)
78 06/28/2007 (560611)
79 06/29/2007 (560739)
80 07/11/2007 (559739)
81 07/26/2007 (567221)
82 07/27/2007 (562723)
83 07/27/2007 (562772)
84 07/27/2007 (562784)
85 07/30/2007 (562873)
86 08/09/2007 (570952)
87 08/10/2007 (562866)
88 08/10/2007 (562972)

89 08/10/2007 (563354)
90 08/13/2007 (565934)
91 08/29/2007 (571670)
92 08/29/2007 (573407)
93 09/28/2007 (596091)
94 10/03/2007 (564369)
95 10/03/2007 (564509)
96 10/12/2007 (571882)
97 10/15/2007 (571925)
98 10/15/2007 (571929)
99 10/15/2007 (572110)
100 10/16/2007 (597981)
101 10/18/2007 (569970)
102 10/19/2007 (571364)
103 11/16/2007 (572853)
104 11/16/2007 (608892)
105 11/28/2007 (599650)
106 12/07/2007 (610526)
107 01/04/2008 (571695)
108 01/07/2008 (610603)
109 01/24/2008 (610702)
110 01/28/2008 (613356)
111 01/30/2008 (613977)
112 02/27/2008 (618557)

113 02/29/2008 (615621)
114 03/04/2008 (613495)
115 03/27/2008 (638802)
116 03/31/2008 (610486)
117 04/03/2008 (617168)
118 04/03/2008 (618321)
119 04/25/2008 (636857)
120 04/28/2008 (725876)
121 05/05/2008 (610607)
122 05/06/2008 (638084)
123 05/06/2008 (638187)
124 05/06/2008 (638349)
125 05/06/2008 (638386)
126 05/12/2008 (654201)
127 05/21/2008 (671318)
128 05/22/2008 (671635)
129 06/25/2008 (683945)
130 06/30/2008 (684342)
131 07/02/2008 (683958)
132 07/21/2008 (518562)
133 09/23/2008 (686970)
134 10/20/2008 (680215)
135 10/22/2008 (681913)
136 10/22/2008 (683722)
137 10/27/2008 (681915)
138 10/27/2008 (689395)
139 12/17/2008 (700377)
140 12/17/2008 (700554)
141 12/17/2008 (700684)
142 01/23/2009 (723362)
143 02/12/2009 (725603)
144 02/23/2009 (721200)
145 02/25/2009 (721086)
146 03/23/2009 (724081)

147 03/31/2009 (721110)
148 04/02/2009 (721239)
149 04/06/2009 (735984)

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

Date: 11/22/2004 (341024) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
4634B, S.C. No.1 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to minimize the emissions with in MAERT.

Date: 11/22/2004 (341355) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
Description: Failure to submit the initial notification of the emissions event (Incident #44588)
within 24 hours after the start of incident.

Self Report? NO Classification: Moderate
Citation: 19480, S.C.No.1 PERMIT
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent the PSV from lifting and causing the release of air pollutants to
the atmosphere

Date: 11/22/2004 (341455) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
Description: Failure to submit the initial notification of the emissions event (Incident #45190)
within 24 hours after the start of incident.

Date: 12/30/2004 (344993) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Permit #4634B, Special Condition #1 PERMIT
Description: Failure to control unauthorized emissions.

Date: 12/30/2004 (345344) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to control excess opacity.

Date: 12/31/2004 (345634) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to control excess opacity.

Date: 12/12/2005 (435274) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
O-02259, SC 1A OP
Description: Failure to equip open-ended lines in HAP service with plugs or caps. The
percentage of the open-ended lines in HAP was 3%.
Failure to equip open-ended lines in HAP service with plugs or caps.

Failure to equip open-ended lines in HAP service with plugs or caps.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
O-02259, SC 1A OP

Description: Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from the benzene wastewater separator (90S4) under NESHAP Subpart FF.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02259, SC 1A OP

Description: Failure to maintain the daily weighted average VOC emission limit of 3.5 lbs VOC/gallon for the coating of miscellaneous metal parts and products in the paint yard on three occasions during the certification period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02259, SC 1A OP

Description: Failure to conduct the required performance test under 30 TAC 117 within 60 days of the modification to Boiler (391H1).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02259, SC 1A OP

Description: Failure to submit a copy of the RATA test reports for boilers (391H1 & 391H2) to the Office of Compliance and Enforcement for testing that was conducted on April 27 & 29, 2004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR 18708, SC 1 PERMIT
O-02259, SC 15 OP

Description: Failure to maintain the maximum firing rate of 600 MM Btu/hr on the boiler (391H1) during the RATA test conducted on May 5, 2005.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)(2)
O-02259, SC 1A OP

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

Date: 12/12/2005 (435301) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to monitor 2265 connectors during 1Q of 2004 and 2716 connectors during 3Q of 2004 in the fugitive area of FDISTARO. Failure to monitor 118 connectors during 1Q of 2004, and 915 connectors during 2Q and 3Q of 2004 in the fugitive area of FDISTISO. Failure to monitor six connectors during 2Q of 2004 in the fugi

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
NSR 19480, SC 4E PERMIT
O-02260, SC 1A OP
O-02260, SC 20 OP

Description: Failure to equip five open-ended lines in HAP (hazardous air pollutant) service with plugs or caps in the fugitive area of FDISTISO. The percentage of open-ended line in HAP was 0.2%.

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

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
NSR 19480, SC 4E PERMIT
O-02260, SC 1A OP
O-02260, SC 20 OP

Description: Failure to equip four open-ended lines in VOC service with plugs or caps in the fugitive area of FISOPREN.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
NSR 19480, SC 4F PERMIT
O-02260, SC 1A OP
O-2260, SC 20 OP

Description: Failure to conduct quarterly monitoring on a valve during 1st quarter and 2nd quarter of 2004.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(I)
O-02260, SC 1A OP

Description: Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from overhead accumulators (86T1VENT and 86T8VENT) off columns in the Aromatics Unit under HON.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
O-02260, SC 1A OP

Description: Failure to monitor two pumps during April, May, and June of 2004.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164
O-02260, SC 1A OP

Description: Failure to meet fugitive emissions standards for Compressors 22C1 and 86C1.

Self Report? NO **Classification:** Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
NSR 19480, SC 4F PERMIT
O-02260, SC 1A OP
O-02260, SC 20 OP

Description: Failure to tag and monitor valves and connectors associated with Compressor 22C1.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
O-02260, SC 1A OP

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

Date: 02/28/2006 (452437) CN600124705

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
NSR 19558, SC 2E PERMIT

NSR 20993, SC 9E PERMIT
O-02261, SC 1A & 13 OP

Description: Complex failed to equip eight open-ended lines in hazardous air pollutant (HAP) with a plug or cap in the fugitive area BDFUG, and also failed to equip two open-ended lines in HAP with a plug or cap in the fugitive area MTBEFUG.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)
O-02261, SC 1A OP

Description: Bayou Complex failed to submit a required semiannual report by July 23, 2005.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
O-02261, SC 1A OP

Description: Bayou Complex failed to monitor four pumps during July of 2005.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(c)(1)
O-02261, SC 1A OP

Description: Complex failed to de-inventory the associated tank 320T802 by August 30, 2005 to repair the leaking flange on the associated pump 320P802.

Date: 06/23/2006 (457277) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to meet the minimum Btu requirement of 300 Btu/scf on two occasions for the main flare (319Z4).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A and 14 OP

Description: Equistar failed to equip three open-ended lines with caps or plugs.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A and 14 OP

Description: Equistar failed to equip one open-ended line with a cap or plug.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A and 14 OP

Description: Equistar failed to equip two open-ended lines with caps or plugs.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT

Title V O-01287, SC 1A and 14 OP

Description: Equistar failed to equip two open-ended lines with caps or plugs.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to identify and monitor 31 valves, 54 connectors, and one pump for fugitive emissions between March 25, 2005 and April 28, 2005 in the fugitive area FOLEFINS.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to submit a copy of the relative accuracy test audit (RATA) test reports for Furnaces 91H1-1, 91H1-3, 91H1-7, and 91H1-8 to the Office of Compliance and Enforcement.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to continuously operate predictive emissions monitoring system (PEMS) to monitor NOx on five occasions.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)(5)(C)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-1287, SC 1A OP

Description: Equistar failed to perform the required annual PEMS testing on Furnace 91H1-5 within the annual time frame.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to submit written notifications of RATA tests for Furnaces 91H1-2, 91H1-5, and 91H1-6 within the required time frame.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to make a first attempt to repair leaks no later than one business day and to repair the leaks no later than seven calendar days after the leaks were detected over 10,000 ppmv for fourteen leaking components.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A, 1D, and 14 OP

Description: Equistar failed to equip five open-ended lines with plugs/caps.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR 4634B, SC 19H PERMIT
 Title V O-01287, SC 1A and 14 OP
 Description: Equistar failed to repair the leak within the required time frame.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Title V O-01287, SC 14 OP
 Description: Equistar failed to submit a Permit by Rule (PBR) application within ten days of the
 modification to the main flare (319Z4).

Date: 09/11/2006 (490208) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Permit No. 4634B PERMIT
 Description: Failure to close a bypass valve which allowed dimethyl sulfide to be routed to the
 flare.

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

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

Date: 03/06/2007 (532588) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02259, SC 1A OP
 Description: Failure to submit a semiannual NOx Monitoring System Performance report by the
 30th day following the end of calendar semiannual period.

Date: 03/09/2007 (497404) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: RE failed to conduct a CEMS or PEMS performance evaluation 60 days after
 startup of a unit following installation of emissions controls

Date: 03/09/2007 (497419) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: The Regulated Entity (RE) failed to conduct a CEMS or PEMS performance
 evaluation within 60 days after startup of a unit following installation of emissions
 controls.

Date: 04/06/2007 (532553) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)
O-01287, SC 1A OP

Description: Failure to comply with the operational restrictions identified in 30 TAC 117.206 for diesel engines.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01287, SC 1A OP

Description: Failure to submit a semiannual NOx Monitoring System Performance report by the 30th day following the end of calendar semiannual period.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01287, SC 1A OP
Permit 4634B, SC 19E PERMIT

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

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01287, SC 1A OP

Description: Failure to observe operational and emissions testing requirements for the diesel engines.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01287, SC 1A OP

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

Date: 05/08/2007 (532583) **CN600124705**

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02261 OP
Permit 19558, SC 2E PA

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

Date: 05/10/2007 (532558) **CN600124705**

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02260, SC 1A OP
Permit 19480, SC 4E PERMIT

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

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Date: 05/17/2007 (557851) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ AIR NSR Permit #19480, SC#1 PA
Description: Equistar failed to close a PSV bypass valve prior to a startup.

Date: 04/01/2008 (610486) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP
FOP O-02260 SC 20 OP
NSR 19480 SC 10A PA
NSR 19558 SC 9 PA

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP
FOP O-02260 SC 20 OP
NSR 19480 SC 4E PA

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(v)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(viii)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP

Description: Equistar failed to maintain identification records of fugitive components. One deviation occurred when 505 valves and 795 connectors that are located downstream of the equipment leading to the flare header were excluded from identification and recordkeeping from October 23, 2006 to April 5, 2007. The

other deviation was caused by a software malfunction which resulted in 5 valves not being monitored during the second quarter of 2007. (FOP O-02260)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 20 OP
NSR 19558 SC 7 PA

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 22 OP

Description: Equistar failed to submit the required form for the registration of PBR 106.261 in a timely manner in 2006. (FOP O-02260)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 22 OP

Description: Equistar failed to maintain records during the maintenance activities on a transmitter and a PSV that were conducted under PBR 106.263. (FOP O-02260)

Date: 05/05/2008 (610607) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.247(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02259 OP

Description: Failure to submit the Stage II Exemption report within the deadline.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)
5C THSC Chapter 382 382.085(b)
FOP#O-02259, SC#1A OP

Description: Failure to install vacuum breaker gaskets on tanks.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
5C THSC Chapter 382 382.085(b)
FOP O-02259, SC#12A OP

Description: Failure to attempt repair or isolate a leak with 15 calendar days.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02259, SC#1A OP

Description: Failure to control sump from section F-street and G-street separators.

Date: 05/21/2008 (671318) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THSC Chapter 382 382.085(b)

Description: Equistar failed to properly maintain the furnace box.

Date: 05/23/2008 (671635) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Air Permit No. 19480, SC #1 PERMIT

Description: Equistar failed to prevent a fire in the distillation column.

Date: 03/31/2009 (721110) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 2(f) OP
Description: Failure to report reportable opacity event to the TCEQ. (CATEGORY B3 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to include all deviations in the deviation report. (CATEGORY C3 violation)

Date: 04/02/2009 (721239) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 17 OP
Special Terms and Conditions 1A OP
Description: Failure to maintain CO emissions below 400 ppm and below the permit limit of
83.90 lb/hr. [Category B18 violation]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(f)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1A OP
Special Terms and Conditions 1O(iii) OP
Description: Failure to maintain a calorimeter to determine the net heating value of gas sent to
the sour gas flare. [CATEGORY B1 violation]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)
5C THSC Chapter 382 382.085(b)
Special Condition 7C PERMIT
Special Terms and Conditions 17 OP
Special Terms and Conditions 1A OP
Description: Failure to sample the wet air oxidation treatment unit effluent during operation in
December 2007. [Category C1 Violation]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 8E PERMIT
Special Terms and Conditions 17 OP
Special Terms and Conditions 1A OP
Special Terms and Conditions 1F OP
Special Terms and Conditions 1O(v) OP
Description: Failure to properly cap or plug open-ended lines. [Category C10 Violation]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 17 OP
Description: Failure to maintain annual emissions of NOx and CO below the permitted limit for
the main flare (EPN 319Z4). [Category B18 Violation]

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.112a(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(v)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1A OP
Special Terms and Conditions 4 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 17I PERMIT
Special Terms and Conditions 17 OP
Special Terms and Conditions 1A OP

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

F. Environmental audits.

Notice of Intent Date: 02/09/2005 (371579)

Disclosure Date: 06/09/2005

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(5)

Description: Failure to maintain leak records.

Viol. Classification: Minor

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

Description: Failure to maintain leak tags.

Viol. Classification: Moderate

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

Description: Failure to conduct monitoring.

Viol. Classification: Minor

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

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

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

Description: Failure to seal an open ended line.

Viol. Classification: Moderate

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

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

Description: Failed to make first repair attempt within 5 day of detecting a leak.

Notice of Intent Date: 02/23/2005 (372354)

No DOV Associated

Notice of Intent Date: 11/28/2006 (534468)

No DOV Associated

Notice of Intent Date: 07/31/2007 (593638)

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT O-1287

PERMIT O-2259

PERMIT O-2261

PERMIT O-2643

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

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

AGREED ORDER DOCKET NO. 2009-0480-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Deryck A. Palmer, Esq., of the law firm of Cadwalader, Wickersham, & Taft, LLP, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical plant on Farm-to-Market Road 2917, 12 miles south of Alvin and 15 miles southeast of Liverpool in Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. 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 March 28, 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. On January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") a voluntary petition for relief under chapter 11 of

the Bankruptcy Code (the "Code"). In re Lyondell Chemical Company, et al., Case No. 09-10023 (REG) (Chapter 11) (Bankr. S.D.N.Y.) (the "Bankruptcy Case"). The automatic stay imposed by the Code (specifically, 11 U.S.C. § 362(a)) does not apply to the commencement or continuation of an action or proceeding by a government unit to enforce such governmental unit's police and regulatory power, including the enforcement of a judgment other than a money judgment obtained in such action or proceeding, by virtue of the exception provided in 11 U.S.C. § 362(b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 U.S.C. § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's environmental protection laws, and in seeking to liquidate its damages for such violations, including the assessment of Respondent of the administrative penalty in the amount of Seven Thousand One Hundred Forty Dollars (\$7,140), as provided in Section I, Paragraph 7, and Section IV, Paragraph 1 below. TCEQ shall not seek to collect such penalty except in accordance with applicable Bankruptcy law. The Respondent agrees to stipulate that, in accordance with this Agreed Order, TCEQ shall have an allowed general unsecured claim in the amount of Seven Thousand One Hundred Forty Dollars (\$7,140), which shall be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.

7. An administrative penalty in the amount of Seven Thousand One Hundred Forty Dollars (\$7,140) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").
8. 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.
9. 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.
10. The Executive Director recognizes that on November 6, 2008, the Respondent repaired the primary and secondary pumps, and reviewed proper procedures with personnel.
11. 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.
12. 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.
13. 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. 116319, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 4634B, Special Condition No. 1, as documented during an investigation conducted on January 29, 2009. Specifically, during the November 4, 2008 emissions event, 1,547.21 pounds ("lbs") of unauthorized volatile organic compounds ("VOCs") were released, which included 94.68 lbs of 1,3 butadiene, 623.52 lbs of ethylene, 557.77 lbs of propylene, and 31.25 lbs of benzene. These VOCs were released from the Olefins Main Flare due to a malfunction of the secondary pump for a period of 37 hours and 22 minutes. Since the emissions event could have been avoided through better 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 7 above. The assessment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Subject to the provisions of Section I, Paragraph 6 above, which are expressly incorporated herein, TCEQ shall have an allowed claim in the Respondent's bankruptcy case.
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This 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.

Equistar Chemicals, LP
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

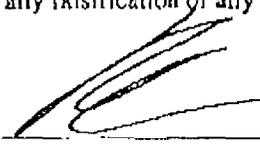
For the Commission


For the Executive Director

5/7/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Equistar Chemicals, LP. I am authorized to agree to the attached Agreed Order on behalf Equistar Chemicals, LP and do agree to the specified terms and conditions.

- 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.


Signature

April 30, 2010
Date

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

SITE MANAGER
Title

Instructions: Send the original, signed Agreed Order to the Financial Administration Division - Revenue Section.

