

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-2068-AIR-E TCEQ ID: RN100224450 CASE NO.: 38892
RESPONDENT NAME: Millennium Petrochemicals Inc.

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: Millennium Petrochemicals La Porte Plant, 1350 Miller Cut Off Road, La Porte, Harris 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 no record of additional pending enforcement actions regarding this facility location.</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: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Katy Miller, Environmental Specialist, Millennium Petrochemicals Inc., P.O. Box 900, Deer Park, Texas 77536-0900 Ms. Courtney F. Ruth, Site Manager, Millennium Petrochemicals Inc., P.O. Box 900, Deer Park, Texas 77536-0900 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: November 12 through 20, 2009</p> <p>Date of NOV/NOE Relating to this Case: December 16, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,198 pounds of ethylene were released from the vinyl acetate monomers ("VAM") B Train Dry Drum Vent, emissions point number DryDrumVent, in the VAM Unit, during an emissions event (Incident No. 131131) that occurred on October 24, 2009 and lasted two minutes. Since this event could have been avoided by better operational practices that would have prevented a secondary analyzer from being placed in bypass mode causing an emergency shutdown sequence, the demonstrations in 30 TEX. ADMIN. CODE § 101.222(b) necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4751, Special Condition 6].</p>	<p>Total Assessed: \$6,650</p> <p>Total Deferred: \$1,330 <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: \$5,320</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, provide training on proper communication between operators at shift change regarding the status of the oxygen analyzers to ensure proper operation and troubleshooting of oxygen analyzers; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): HX1726J



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

ICEQ

DATES	Assigned	21-Dec-2009	Screening	22-Dec-2009	EPA Due	N/A
	PCW	23-Dec-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Millennium Petrochemicals Inc.				
Reg. Ent. Ref. No.	RN100224450				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	38892	No. of Violations	1
Docket No.	2009-2068-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **166.0%** Enhancement *Subtotals 2, 3, & 7* **\$4,150**

Notes: Penalty enhancement due to three NOVs issued for same or similar violations, 14 NOVs issued for unrelated violations, three Agreed Orders with a denial of liability, two Agreed Orders without a denial of liability, and one Court Order with a denial of liability. Penalty reduction due to nine Notice of Audit letters and four Disclosure of Violations submitted.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$0**

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

Total EB Amounts **\$40** *Capped at the Total EB \$ Amount
Approx. Cost of Compliance **\$1,000**

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$6,650**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$6,650**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$6,650**

DEFERRAL **20.0%** Reduction *Adjustment* **-\$1,330**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$5,320**

Screening Date 22-Dec-2009

Docket No. 2009-2068-AIR-E

PCW

Respondent Millennium Petrochemicals Inc.

Policy Revision 2 (September 2002)

Case ID No. 38892

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224450

Media [Statute] Air

Enf. Coordinator Trina Grieco

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)	3	15%
	Other written NOVs	14	28%
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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	4	-8%

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) 166%

>> 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 three NOVs issued for same or similar violations; 14 NOVs issued for unrelated violations; three Agreed Orders with a denial of liability, two Agreed Orders without a denial of liability, and one Court Order with a denial of liability. Penalty reduction due to nine Notice of Audit letters and four Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 166%

Screening Date 22-Dec-2009

Docket No. 2009-2068-AIR-E

PCW

Respondent Millennium Petrochemicals Inc.

Policy Revision 2 (September 2002)

Case ID No. 38892

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224450

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit No. 4751, Special Condition 6

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,198 pounds of ethylene were released from the vinyl acetate monomers ("VAM") B Train Dry Drum Vent, emission point number DryDrumVent, in the VAM Unit, during an emissions event (Incident No. 131131) that occurred on October 24, 2009 and lasted two minutes. Since this event could have been avoided by better operational practices that would have prevented a secondary analyzer from being placed in bypass mode causing an emergency shutdown sequence, the demonstrations in 30 Tex. Admin. Code § 101.222(b) necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended for the emissions event that occurred on October 24, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$6,650

This violation Final Assessed Penalty (adjusted for limits) \$6,650

Economic Benefit Worksheet

Respondent: Millennium Petrochemicals Inc.
Case ID No.: 38892
Reg. Ent. Reference No.: RN100224450
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	24-Oct-2009	15-Aug-2010	0.81	\$40	n/a	\$40
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 provide training on proper communication between operators at shift change regarding the status of the oxygen analyzers to ensure proper operation and troubleshooting of oxygen analyzers. The date required is the date of the release and the final date is the date corrective actions are projected to be 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

\$1,000

TOTAL

\$40

Compliance History Report

Customer/Respondent/Owner-Operator: CN602625402 Millennium Petrochemicals Inc. Classification: AVERAGE Rating: 23.39
Regulated Entity: RN100224450 MILLENNIUM PETROCHEMICALS LA Classification: AVERAGE Site Rating: 24.71
PORTE PLANT

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HX1726J
	AIR OPERATING PERMITS	PERMIT	1375
	WASTEWATER	PERMIT	WQ0000534000
	WASTEWATER	PERMIT	TPDES0002836
	WASTEWATER	PERMIT	TX0002836
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD058276130
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30049
	AIR NEW SOURCE PERMITS	PERMIT	4751
	AIR NEW SOURCE PERMITS	PERMIT	5040
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HX1726J
	AIR NEW SOURCE PERMITS	REGISTRATION	76037
	AIR NEW SOURCE PERMITS	AFS NUM	4820101487
	AIR NEW SOURCE PERMITS	PERMIT	80295
	AIR NEW SOURCE PERMITS	REGISTRATION	80967
	AIR NEW SOURCE PERMITS	REGISTRATION	91436
	AIR NEW SOURCE PERMITS	REGISTRATION	87551
	AIR NEW SOURCE PERMITS	PERMIT	83843
	IHW CORRECTIVE ACTION	PERMIT	50231
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HX1726J

Location: 1350 MILLER CUT OFF RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 21, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 21, 2004 to December 21, 2009

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

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Millennium Petrochemicals Inc. (owner/operator)
Equistar Chemicals, LP (operator)
4. If Yes, who was/were the prior owner(s)/operator(s)? Millennium Petrochemicals GP LLC (operator)
5. When did the change(s) in owner or operator occur? 12/31/2004
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: 10/24/2005 ADMINORDER 2005-0053-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: TCEQ AIR PERMIT 4751, SC#5 PERMIT

Description: Millennium failed to prevent the CO2 Oxidizer's emergency vent from opening and releasing unauthorized pollutants.

Classification: Minor

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

Description: Millennium failed to notify the TCEQ Regional Office of a reportable emissions event within 24 hours of discovery.

~~Effective Date: 03/23/2006 ADMINORDER 2005-1303-AIR-E~~

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5040, Special Condition #1 PERMIT

Description: Millennium failed to maintain a pilot light on the Acetic Acid Flare.

Classification: Moderate

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

Rqmt Prov: Air Quality Permit No. 5040 OP

Description: Failed to prevent unauthorized emissions of 25,180 pounds of carbon monoxide from the Acetic Acid Flare during a January 25, 2005 emissions event

~~Effective Date: 11/03/2006 ADMINORDER 2006-0477-AIR-E~~

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #5040, SC #1 PERMIT

Description: Millennium failed to properly prepare for an unplanned maintenance event.

Classification: Moderate

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

Rqmt Prov: Permit No. 5040, Special Condition No. 1 PERMIT

Description: RE failed to meet the emissions limitations in the MAER Table.

~~Effective Date: 08/10/2007 ADMINORDER 2006-1988-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: TCEQ Permit #4751, SC #5 PERMIT

Description: Millennium failed to prevent unauthorized emissions on December 16, 2005.

~~Effective Date: 07/03/2008 ADMINORDER 2007-1918-AIR-E~~

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 4751, SC #6 PERMIT

Description: Failed to prevent a pin-hole leak on a pipe in the Vinyl Acetate Monomer Unit. Specifically, on July 25, 2007, during a 16 minute event, 236 pounds of ethylene were released from a hole in carbon-steel pipe that was corroded by oxygen in air with the presence of moisture trapped under the insulation on the pipe. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to monitor all pumps monthly for leaks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to monitor all valves quarterly for leaks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to monitor all connectors annually for leaks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751 SC 11 PERMIT

Operating Permit O-02326, ST&C 1A OP

Description: Failure to maintain minimum net heating value for flare.

Classification: Moderate

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

Rqmt Prov: NSR Permit 4751 Special Condition 6 PERMIT

ST&C 13 OP

Description: Failure to maintain minimum flow rate thru 2nd stage scrubber.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.127(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751 SC 11 PERMIT

Operating Permit O-02326 ST&C 1A OP

Description: Failure to install monitoring equipment on scrubber.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter C 115.216(1)(A)(iv)
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(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT

Title V - O-02326 ST&C 1A OP

Description: Failure to Continuously monitor Barge Loading Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to maintain storage tank openings in the shut position, at all times.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 1A OP

Description: Failure to perform a 10 year inspection on a HON storage tank.

Classification: Minor

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

Rqmt Prov: Title V - O-02326, ST&C 12 OP

Description: Failure to follow the Title V Operating Permit Special Provisions

Classification: Minor

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

Rqmt Prov: Title V - O-02326, ST&C 12 OP

Description: Failure to check Degreaser in accordance with Permit O-02326 Periodic Monitoring Summary.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, General Condition 8 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to maintain Catalytic Oxidizer emissions to less than MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(j)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 1A OP

Description: Failure to submit an updated Notice of Compliance Status (NCS) for VAM Loading Rack.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to monitor HON Heat Exchanger Systems for leaks.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT.FF 61.357(b)
5C THC Chapter 382, SubChapter A 382.085(b) :

Description: Failure to submit Initial Benzene Quantity Report.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter A 63.9(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751 SC 11 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to submit request for alternative HON reporting dates.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2515(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to provide an Initial Notice for 40 CFR 63 : Miscellaneous Organic chemical Manufacturing.

Classification: Moderate

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

Rqmt Prov: Title V - O-02326, ST&C 4A(iii) OP

Description: Failure to perform annual visible emissions observation as required by Title V Permit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 1A OP

Description: Failure to repair leaking components within 15 days.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.788(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Title V - O-02326, ST&C 2(iv) OP

Description: Failure to provide 30 days notice prior to HRVOC Audit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, General Condition 8 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to maintain barge loading emissions within the MAERT.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751 SC 2G PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to maintain monthly loading emissions records.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(b)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to provide 30 day notice prior to Loading Scrubber performance test.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.129(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to record Operating Parameters during Loading Scrubber test.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.129(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751 SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to establish a range of operations for the Loading Scrubber.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to submit Loading Scrubber operating parameters in the Notice of Compliance Status.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.128(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to conduct an acceptable Loading Scrubber Performance Test.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to include in HON semi-annual reports that Loading Scrubber operates outside established parameters.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.130(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT

Title V - O-02326, ST&C 13 OP

Description: Failure to maintain records of weight percent organic HAPs through Loading Rack.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.130(f)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT

Title V - O-02326, ST&C 13 OP

Description: Failure to maintain records of weight average HAP partial pressure for Loading Rack.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.130(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, SC 11 PERMIT

Title V - O-02326, ST&C 13 OP

Description: Failure to continuously record specific operating parameters during loading operations.

Classification: Moderate

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

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

Rqmt Prov: NSR Permit 4751 SC 6 PERMIT

Title V - O-02326, ST&C 13 OP

Description: Failure to maintain Loading Scrubber 1st stage flow-rate to greater than 4 gpm.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(C)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Title V - O-02326, ST&C 1A OP

Description: Failure to maintain rail-car lids and hatches closed during the loading process.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to vent pressurized rail-cars to a control device.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, General Condition 8 PERMIT

Title V - O-02326, ST&C 13 OP

Description: Failure to maintain Loading Rack fugitive emissions within MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Title V - O-02326, ST&C 13 OP

Description: Failure to obtain authorization for the Degreaser operations.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Title V - O-02326, ST&C 13 OP
Description: Failure to obtain authorization for Painting operations.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Title V - O-02326, ST&C 14 OP
Description: Failure to maintain painting records.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4751, General Condition 1 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to operate the Loading Rack within permit representations.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Title V - O-02326, General Conditions OP
Description: Failure to report all deviations.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/27/2004	(351687)
2	12/27/2004	(351688)
3	12/28/2004	(342439)
4	01/04/2005	(343933)
5	01/21/2005	(346375)
6	02/09/2005	(468068)
7	02/23/2005	(381661)
8	02/25/2005	(350765)
9	03/16/2005	(336328)
10	03/16/2005	(371396)
11	03/21/2005	(381662)
12	04/25/2005	(419448)
13	04/25/2005	(419451)
14	05/24/2005	(419449)
15	06/21/2005	(392880)
16	06/23/2005	(419450)
17	07/19/2005	(394171)
18	07/22/2005	(440604)
19	07/27/2005	(400416)
20	08/10/2005	(404193)
21	08/23/2005	(440605)
22	08/25/2005	(405911)
23	08/30/2005	(405287)
24	09/23/2005	(440606)
25	10/26/2005	(468066)
26	11/28/2005	(468067)
27	12/21/2005	(468069)
28	01/23/2006	(468070)
29	02/22/2006	(468064)

30	02/24/2006	(438236)
31	02/24/2006	(451102)
32	02/28/2006	(457031)
33	03/23/2006	(468065)
34	04/24/2006	(497961)
35	04/28/2006	(457893)
36	05/02/2006	(453212)
37	05/03/2006	(463915)
38	05/25/2006	(497962)
39	06/26/2006	(497963)
40	07/24/2006	(481150)
41	08/18/2006	(519975)
42	09/19/2006	(519976)
43	09/19/2006	(519977)
44	11/07/2006	(450812)
45	11/20/2006	(544218)
46	12/07/2006	(531830)
47	12/07/2006	(532388)
48	12/20/2006	(544219)
49	12/29/2006	(535507)
50	01/05/2007	(544220)
51	02/06/2007	(537440)
52	02/20/2007	(544217)
53	03/20/2007	(574833)
54	03/27/2007	(539393)
55	04/16/2007	(531517)
56	04/19/2007	(574834)
57	04/30/2007	(555742)
58	05/17/2007	(574835)
59	06/08/2007	(556983)
60	06/20/2007	(574836)
61	07/19/2007	(574837)
62	07/26/2007	(532485)
63	08/20/2007	(601449)
64	08/24/2007	(532482)
65	09/12/2007	(594292)
66	09/20/2007	(601450)
67	09/20/2007	(601452)
68	10/19/2007	(601451)
69	10/23/2007	(596085)
70	10/26/2007	(531204)
71	11/20/2007	(619371)
72	12/03/2007	(610692)
73	12/11/2007	(610689)
74	12/18/2007	(566753)
75	12/20/2007	(619372)
76	01/29/2008	(613325)
77	02/19/2008	(671862)
78	03/19/2008	(671863)
79	04/10/2008	(671864)
80	04/10/2008	(671865)
81	05/20/2008	(689797)
82	06/16/2008	(670873)
83	06/20/2008	(689798)
84	08/18/2008	(688749)
85	08/19/2008	(710544)
86	09/20/2008	(710545)
87	10/16/2008	(710547)
88	10/20/2008	(710546)

89 11/12/2008 (727348)
 90 12/16/2008 (750075)
 91 01/13/2009 (709743)
 92 02/17/2009 (750071)
 93 03/06/2009 (721246)
 94 03/18/2009 (750072)
 95 03/30/2009 (750074)
 96 04/15/2009 (750073)
 97 05/19/2009 (768234)
 98 06/10/2009 (768235)
 99 06/17/2009 (749621)
 100 06/18/2009 (746997)
 101 06/18/2009 (749770)
 102 07/02/2009 (747400)
 103 08/12/2009 (764619)
 104 08/31/2009 (767790)
 105 09/02/2009 (766296)
 106 11/02/2009 (780334)
 107 12/16/2009 (783495)

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

~~Date: 02/25/2005 (350765)~~

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
 Description: Failure to comply with the conditions of 30 TAC 117.206(i).

~~Date: 05/31/2005 (419450)~~

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: 07/31/2005 (440605)~~

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: 08/31/2005 (440606)~~

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

~~Date: 01/11/2006 (451102)~~

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(21)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(b)(2)(i)
 Description: Subpart CC records were incomplete for emission monitoring level determination,

~~Date: 01/11/2006 (438236)~~

CN602625402

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.62
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)
Description: Hazardous waste determination was incomplete.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: NOR was not updated.

~~Date: 03/31/2006 (497961)~~

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: 05/31/2006 (497963)~~

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

~~Date: 11/30/2006 (544219)~~

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: 07/26/2007 (532485)~~

CN602625402

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5040, Special Condition 9E PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
O-01375, Special Condition 1A OP
Description: Failure to equip two open-ended lines with a cap, blind flange, plug or a second valve.

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

5040, Special Condition 8 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
Description: Failure to perform a chlorine inspection

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 1A PERMIT

Description: Failure to perform weekly visual pump inspections
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 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
5040, Special Condition 9F PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
O-01375, Special Condition 1A OP

Description: Failure to monitor valves
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5040, Special Condition 9I PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
O-01375, Special Condition 1A OP

Description: **Failure to repair fugitive components within required time frame**

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)
5040, Special Condition 1 PERMIT
5040, Special Condition 5 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
O-01375, Special Condition 1A OP

Description: **Failure to maintain minimum BTU value in gas flared in the Acetic Acid Flare and exceedance of permitted limit for CO**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5040, Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP

Description: **Failure to prevent unauthorized emissions during the loading of acetic acid railcars**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, General Terms and Conditions OP

Description: Failure to include all deviations in the deviation report submitted for the April 1 through September 30, 2005 reporting period

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 2F OP

Description: Failure to create the final records for 8 recordable emission events within 14 days after discovery of the events

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5040, Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP

Description: **Failure to prevent unauthorized emissions during the loading of an acetic acid barge**

Date: 08/24/2007 (532482)

CN602625402

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-2326, Special Condition 3F OP

Description: Late creation of final records for emission events

Self Report? NO Classification: Moderate

Citation: 2326, Special Condition 13 OP
2326, Special Condition 1A OP
30 TAC Chapter 115, SubChapter D 115.354(1)(A)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
 4751, Special Condition 1F PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 27 valves and one process drain
Self Report? NO **Classification:** Minor
Citation: 2326, Special Condition 13 OP
 2326, Special Condition 1A OP
 30 TAC Chapter 115, SubChapter D 115.352(9)
 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 63.165(d)(2)
 4751, Special Condition 1F PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to replace failed rupture discs at the earliest opportunity
Self Report? NO **Classification:** Minor
Citation: 2326, Special Condition 13 OP
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 4751, Special Condition 1E PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-2326, Special Condition 1A OP

Description: Failure to equip 13 open-ended lines with a cap, blind flange, plug or a second valve.
Self Report? NO **Classification:** Moderate
Citation: 2326, Special Condition 2(iv) OP
 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor connectors in HRVOC service.
Self Report? NO **Classification:** Moderate
Citation: 2326, Special Condition 13 OP
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: **Hourly emissions from the Thermal Oxidizing Flare exceeded permitted limits**
Self Report? NO **Classification:** Moderate
Citation: 2326, Special Condition 2(ii) OP
 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to follow calibration procedures for the HRVOC Cooling Tower Analyzers
Self Report? NO **Classification:** Moderate
Citation: 2326, Special Condition 13 OP
 2326, Special Condition 1A OP
 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 A 63.11(b)(6)(ii)
 4751, Special Condition 8 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain minimum BTU value in Vinyl Acetate Flare
Self Report? NO **Classification:** Minor
Citation: 2326, Special Condition 2(ii) OP
 30 TAC Chapter 115, SubChapter H 115.725(l)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to continuously monitor a pressure relief valve in HRVOC service
Self Report? NO **Classification:** Minor
Citation: 2326, Special Condition 10C OP
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include Catalytic Oxidizer in SSM plan
Self Report? NO Classification: Moderate
Citation: 2326, Special Condition 2(iv) OP
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)

Description: **Late first repair attempt for leaking fugitive components in HRVOC service**
Self Report? NO Classification: Minor
Citation: 2326, Special Condition 1A OP
30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain records of leak test date
Self Report? NO Classification: Minor
Citation: 2326, Special Condition 1A OP
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain records of the presence of a pilot flame in the VAM flare
Self Report? NO Classification: Minor
Citation: 2326, General Terms and Conditions OP
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit complete deviation report
Self Report? NO Classification: Moderate
Citation: 2326, Special Condition 2(ii) OP
30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform initial multi-point calibration for the VA flare

~~Date: 05/31/2008 (689798)~~

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

~~Date: 06/16/2008 (670873)~~

CN602625402

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42
II.C.1.d PERMIT

Description: Failure to complete manifest exception reports for manifests that were not received back within 45 days with the designation facility's signature.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter Q 335.474
II.B.8 PERMIT

Description: Failure to have a Pollution Prevention Plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(g)

Description: Failure to have a professional engineer tank assessment for hazardous waste tank NOR 038.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(g)

Description: Failure to keep records of the daily hazardous waste tank inspections of NOR 007 and 011 for 21 days.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(9)
Permit Provision II.B.9 PERMIT

Description: Failure to annually certify for waste minimization.

~~Date: 07/31/2008 (710544)~~

Self Report? YES Classification: Moderate

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

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

~~Date: 03/06/2009 (721246)~~

CN602625402

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to certify the first six months of the certification period. (Category C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #12A OP
Special Condition #1H PERMIT
Special Terms and Conditions #1A OP

Description: Failed to have tagged leaking components tags for numbers 06885 and 06689.1. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition #12A OP
Special Condition #12C PERMIT
Special Terms and Conditions #1A OP

Description: **The opacity from the flare, VAFLARE, had exceeded five minutes. (Category C4 violation)**

~~Date: 06/17/2009 (746997)~~

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to properly operate and maintain the sanitary sewer package wastewater treatment plants.

~~Date: 07/02/2009 (747400)~~

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42
II.C.1.d PERMIT

Description: Failure to complete manifest exception reports for manifests that were not received back within 45 days with the designation facility's signature.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(g)

Description: Failure to keep records of the daily hazardous waste tank inspections of NOR 007 and 011 for 21 days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(9)
Permit Provision II.B.9 PERMIT

Description: Failure to annually certify for waste minimization.

F. Environmental audits.

Disclosure Date: 08/15/2005

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)(2)

Rqmt Prov: PERMIT AIR PERMIT 4751, Special Condition 11

Description: HON Group 1 Vents bypasses to atmosphere have no flow monitoring devices as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)

Rqmt Prov: PERMIT AIR PERMIT 4751 Special Condition 11

Description: The closed loop sample systems in the VAM and Acetic Acid Units have experienced mechanical failure and have been bypassed.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)

Rqmt Prov: PERMIT AIR PERMIT 4751 Special Condition 11

Description: No weekly inspection of agitators in HAP service was performed.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.140
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)

Rqmt Prov: PERMIT AIR PERMIT 4751 Special Condition 11

Description: Process wastewater streams exist which contain HAPs and VOC. An evaluation of the HON group status of the streams has not been conducted. Some of the identified streams may be Group 1 wastewater streams which do not discharge to closed systems as required.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6

Description: The site's Startup Shutdown and Malfunction Plan does not address all sources. Specifically, the Acetic Acid flare is not addressed by the SSM Plan.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(c)

Rqmt Prov: PERMIT AIR PERMIT 4751 Special Condition 10

Description: No NNN periodic reports have been submitted for the Acetic Acid Unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(3)
30 TAC Chapter 115, SubChapter B 115.115(a)

Description: The existing control devices may not meet the 90% control efficiency requirement for storage tanks storing materials with a vapor pressure greater than 0.5 psia.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(6)(A)

Description: Acetic Acid Barge loading does not meet the 90% control efficiency requirement when the storage tank temperatures of the Acetic Acid storage tanks are above 93 degrees F.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)

Description: Acetic Acid container loading does not meet the requirement to have a minimum of 90% control efficiency when the storage tank temperatures of the Acetic Acid storage tank are above 93 degrees F.

Viol. Classification: Major

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

Description: An audit of the Acetic Acid Air Permit No. 5040 representations shows that conditions submitted in the 2001 application and representations do not match 2005 operating conditions.

Viol. Classification: Major

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

Description: An audit of the VAM Air Permit No. 4751 representations shows that conditions submitted in the 2001 application and representations do not match 2005 operating conditions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: The Title V Permits for both Acetic Acid and VAM will be revised to add the following regulatory citations: add HON and REG V Wastewater citations; add HON Heat Exchange provision citations; add Subpart VV

citations; add Acetic Acid NNN citations; add Chapter 117 citations in VAM.

Viol. Classification: Moderate
Rqmt Prov: PERMIT AIR PERMIT 5040 Special Conditions 8.B

Description: Required documentation was not kept as required by Air Permit No. 5040 Condition 8.B

Viol. Classification: Moderate
Rqmt Prov: PERMIT AIR PERMIT 5040 Special Conditions 8.B
PERMIT AIR PERMIT 5040 Special Conditions 9.E

Description: Inspections required by Air Permit No. 5040 condition 9.E have not been completed as required.

Viol. Classification: Moderate
Rqmt Prov: PERMIT AIR PERMIT 4751 Special Conditions 1.E
PERMIT AIR PERMIT 4751 Special Conditions 2G

Description: Inspections required by Air Permit No. 4751 SC 1.E have not been completed as required.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.352(b)
30 TAC Chapter 101, SubChapter H 101.359(a)(1)
30 TAC Chapter 106, SubChapter W 106.512(6)(C)
30 TAC Chapter 117, SubChapter B 117.201
30 TAC Chapter 117, SubChapter B 117.206(l)

Description: NOx allocations were not obtained for the VAM Filter Press area diesel engine. Annual reports were not submitted. The distance limitations in PBR 106.512 were not met with engine location.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.206(l)
30 TAC Chapter 117, SubChapter E 117.520(c)(2)(E)

Description: Emergency diesel engines at the site were tested between 6am and noon.

Viol. Classification: Major
Citation: 30 TAC Chapter 290, SubChapter A 290.20

Description: There is no PWS (Public Water System) registration for the Millenium site.

Viol. Classification: Moderate
Rqmt Prov: PERMIT TX0002836 Operational Requirement 11F

Description: There were no sludge management records kept as required by TPDES Permit # TX0002836.

Viol. Classification: Moderate
Rqmt Prov: PERMIT TPDES TX0002836, Part III, Section A

Description: The SWPPP plan includes outfalls that drain from process tank farms. Evaluation is on-going to determine if these outfalls should be included in the TPDES permit.

Notice of Intent Date: 01/24/2006 (454399)

No DOV Associated

Notice of Intent Date: 07/27/2007 (593523)

Disclosure Date: 04/29/2008

Viol. Classification: Moderate
Citation: 4F TWC Chapter 63, SubChapter A 63.163
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Description: Failure to conduct monthly monitoring for specific components.

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

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

Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1064(g)(1)

Description: Failure to maintain Heavy Liquid Equipment Lists.

Notice of Intent Date: 07/30/2007 (593572)

Disclosure Date: 03/31/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Notice of Intent Date: 08/10/2007 (593537)

No DOV Associated

Notice of Intent Date: 11/05/2007 (615472)

No DOV Associated

Notice of Intent Date: 11/05/2007 (615476)

No DOV Associated

Notice of Intent Date: 11/05/2007 (615479)

Disclosure Date: 08/20/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-1375

Description: Failure to comply with Title V operating permit O-1375.

Notice of Intent Date: 04/22/2008 (681796)

No DOV Associated

Notice of Intent Date: 06/23/2008 (688502)

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
MILLENNIUM PETROCHEMICALS
INC.
RN100224450**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-2068-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 Millennium Petrochemicals Inc. ("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 petrochemical plant at 1350 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 21, 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 Six Thousand Six Hundred Fifty Dollars (\$6,650) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Three Hundred Twenty Dollars (\$5,320) of the

administrative penalty and One Thousand Three Hundred Thirty Dollars (\$1,330) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The 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.

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 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.
10. 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.
11. 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, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4751, Special Condition 6, as documented during a record review conducted November 12 through 20, 2009. Specifically, unauthorized emissions of 1,198 pounds of ethylene were released from the vinyl acetate monomers ("VAM") B Train Dry Drum Vent, emissions point number DryDrumVent, in the VAM Unit, during an emissions event (Incident No. 131131) that occurred on October 24, 2009 and lasted two minutes. Since this event could have been avoided by better operational practices that would have prevented a secondary analyzer from being placed in bypass mode causing an emergency shutdown sequence, the demonstrations in 30 TEX. ADMIN. CODE § 101.222(b) 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 pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Millennium Petrochemicals Inc., Docket No. 2009-2068-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, provide training on proper communication between operators at shift change regarding the status of the oxygen analyzers to ensure proper operation and troubleshooting of oxygen analyzers; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdlien
For the Executive Director

5/21/2010
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, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

Courtney E. Ruth
Signature

3-23-2010
Date

COURTNEY E. RUTH
Name (Printed or typed)
Authorized Representative of
Millennium Petrochemicals Inc.

Site Manager
Title

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

