

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0243-IHW-E **TCEQ ID:** RN100542281 **CASE NO.:** 39151
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 type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" 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: Channelview Complex, 8280 Sheldon Road Building 1, Channelview, Harris County</p> <p>TYPE OF OPERATION: Organic chemical manufacturing facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received July 9, 2009, alleging unauthorized release of chemicals to surrounding soils. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0335-AIR-E.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 29, 2010 . No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-4492; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Don Holloway, Environmental Manager, Equistar Chemicals, LP, P.O. Box 777, Channelview, Texas 77530 Mr. Mike VanDerSnick, Site Manager, Equistar Chemicals, LP, P.O. Box 777, Channelview, Texas 77530 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: July 9, 2009</p> <p>Date of Investigation Relating to this Case: August 3, 2009</p> <p>Date of NOV/NOE Relating to this Case: January 25, 2010 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WASTE</p> <p>1) Failed to prevent the accumulation of hazardous waste for more than 90 days without authorization. Specifically, analytical results dated March 31, 2005 indicated that storm water in tank numbers ("nos.") TK-2303A, TK-2310A and TK-2310B, exceeded the toxicity characteristic for lead of 5.0 milligrams per liter. These tanks are part of the IPOH Unit which, according to the Respondent, was taken out-of service in the early 1990s. Per 40 CODE OF FEDERAL REGULATIONS ("CFR") § 261.4(c), hazardous waste began accumulating in the tanks on March 31, 2005 and began exceeding the 90-day accumulation time limit on June 30, 2005 [30 TEX. ADMIN. CODE § 335.69(b) and 40 CFR § 262.34(b)].</p> <p>2) Failed to prevent the unauthorized discharge of industrial solid waste adjacent to water in the state and to perform closure of waste management facilities from which an unauthorized discharge has occurred. Specifically, the investigator observed liquid leaking onto a concrete pad which served as secondary containment for tank nos. TK-2303A and B and TK-2310A and B. Analytical results submitted by the Respondent for sediment in the secondary containment and the ditch outside the containment area indicated elevated levels for lead [30 TEX. ADMIN. CODE §§ 335.4 and 335.8(b) and 40 CFR § 265.197].</p>	<p>Total Assessed: \$53,381</p> <p>Total Deferred: \$10,676 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code in the U.S. Bankruptcy Court.</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Compliance History Classification: Person/CN – Average Site/RN – High</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has undertaken the following corrective actions:</p> <p>a. From September 23, 2009 through October 28, 2009, removed all process area storm water from tank nos. TK-2303A, TK-2310A and TK-2310B and routed it to the Facility's wastewater treatment facility for treatment and disposal; and</p> <p>b. As of February 11, 2010, added waste streams 99111021, 99121142, 99131142, 9915119H, 99143061 and 99011021 and tank nos. TK-2303A and B and TK-2310A and B to the Facility's NOR.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease the unauthorized discharge of industrial solid waste from the IPOH Unit;</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit a schedule for closure of tank nos. TK-2303A and B and TK-2310A and B and surrounding containment area and adjacent ditch surrounding the containment area;</p> <p>c. Respond completely and adequately to any requests for information from the Environmental Cleanup Section to complete the closure of tank nos. TK-2303A and B and TK-2310A and B and surrounding containment area;</p> <p>d. Within 180 days after the effective date of this Agreed Order, complete closure of tank nos. TK-2303A and B and TK-2310A and B and surrounding containment area and adjacent ditch; and</p> <p>e. Within 195 days after the effective date of this Agreed Order, submit written certification and include</p>

<p>3) Failed to update the Facility's Notice of Registration ("NOR") to accurately reflect waste management activities. Specifically, the following waste management activities needed to be added to the NOR: waste stream for wastewaters generated from the manufacturing process; waste streams for wastes stored in tank nos. TK-2303A and B and TK-2310A and B; tank nos. TK-2303A and B, and TK-2310A and B as waste management units [30 TEX. ADMIN. CODE § 335.6(c)].</p>		<p>detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through d.</p>
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Additional ID No(s): 30030



Penalty Calculation Worksheet (PCW)

DATES	Assigned	4-Feb-2010	Screening	5-Feb-2010	EPA Due	
	PCW	10-Jun-2010				

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

CASE INFORMATION			
Enf./Case ID No.	39151	No. of Violations	3
Docket No.	2010-0243-IHV-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michael Meyer
		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	\$15,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	266.0% Enhancement	Subtotals 2, 3, & 7	\$40,166
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Notes: Enhancement for one NOV for same or similar violations, 67 NOVs for dissimilar violations, two agreed orders with denial of liability, two Findings Orders, one Court Order with denial of liability, one Federal Order with a denial of liability and reduction for 13 notices of intent to conduct audits and five disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,885
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$882
Approx. Cost of Compliance	\$9,148

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$53,381
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$53,381
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STATUTORY LIMIT ADJUSTMENT	\$53,381
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DEFERRAL	20.0% Reduction	Adjustment	-\$10,676
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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	\$42,705
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Screening Date 5-Feb-2010

Docket No. 2010-0243-IHW-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 39151

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542281

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

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)	1	5%
	Other written NOVs	67	134%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	13	-13%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	5	-10%
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) 266%

> 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
 Enhancement for one NOV for same or similar violations, 67 NOVs for dissimilar violations, two agreed orders with denial of liability, two Findings Orders, one Court Order with denial of liability, one Federal Order with a denial of liability and reduction for 13 notices of intent to conduct audits and five disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 266%

Screening Date: 5-Feb-2010

Docket No.: 2010-0243-IHW-E

PCW

Respondent: Equistar Chemicals, LP

Policy Revision 2 (September 2007)

Case ID No.: 39151

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100542281

Media [Statute]: Industrial and Hazardous Waste

Enf. Coordinator: Michael Meyer

Violation Number: []

Rule Cite(s)

30. Tex. Admin. Code § 335.69(b) and 40 Code of Federal Regulations ("CFR") § 262.34(b)

Violation Description

Failed to prevent the accumulation of hazardous waste for more than 90 days without authorization, as documented during an investigation conducted on August 3, 2009. Specifically, analytical results dated March 31, 2005 indicated that stormwater in tanks TK-2303A, TK-2310A and TK-2310B exceeded the toxicity characteristic for lead of 5.0 milligrams per liter. Those tanks are part of the IPOH Unit which, according to the Respondent, was taken out-of-service in the early 1990s. Per 40 CFR § 261.4(c), hazardous waste began accumulating in the tanks on March 31, 2005 and began exceeding the 90-day accumulation time limit on June 30, 2005.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent: 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would 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: 3

260 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty: \$7,500

Three quarterly events are recommended from the January 6, 2009 Bankruptcy Petition filing date to the date of compliance (September 23, 2009).

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes: The Respondent achieved compliance as of September 23, 2009.

Violation Subtotal: \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$275

Violation Final Penalty Total: \$25,575

This violation Final Assessed Penalty (adjusted for limits): \$25,575

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 39151
Reg. Ent. Reference No.: RN100542281
Media: Industrial and Hazardous Waste
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

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,300	30-Jun-2005	23-Sep-2009	4.24	\$275	n/a	\$275
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

The cost of compliance includes the estimated cost of collecting samples to determine the capability of the wastewater treatment system to treat the hazardous wastewater. The Date Required is the initial date of the violation and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,300

TOTAL

\$275

Screening Date 5-Feb-2010

Docket No. 2010-0243-IHW-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 39151

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542281

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 335.4 and 335.8(b) and 40 CFR § 265.197

Violation Description

Failed to prevent the unauthorized discharge of industrial solid waste adjacent to waters in the state and to perform closure of waste management facilities from which an unauthorized discharge has occurred, as documented during an investigation conducted on August 3, 2009. Specifically, the investigator observed liquid leaking onto a concrete pad which served as secondary containment for tank nos. TK-2303A and B and TK-2310A and B. Analytical results submitted by the Respondent for sediment in the secondary containment and the the ditch outside the containment area indicated elevated levels of lead.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

186 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three quarterly events are recommended from the August 3, 2009 investigation to the date of screening (February 5, 2010).

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$402

Violation Final Penalty Total \$27,450

This violation Final Assessed Penalty (adjusted for limits) \$27,450

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 39151
Reg. Ent. Reference No.: RN100542281
Media: Industrial and Hazardous Waste
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,648	3-Aug-2009	15-Jan-2010	0.45	\$60	n/a	\$60
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	3-Aug-2009	15-Dec-2010	1.37	\$342	n/a	\$342

Notes for DELAYED costs

Estimated cost to close tank nos. TK-2303A and B and TK-2310A and B and the surrounding containment area. In addition, the cost of compliance includes the removal and disposal of approximately 10 tons of contaminated sediment from the containment area and surrounding ditch based on an invoice provided by the Respondent. The Date Required is the investigation date and the Final Date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,648	TOTAL	\$402
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Screening Date 5-Feb-2010

Docket No. 2010-0243-IHW-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 39151

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542281

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the Facility's Notice of Registration to accurately reflect waste management activities, as documented during an investigation conducted on August 3, 2009. Specifically the following waste management activities were not updated: waste streams for wastewaters generated from the manufacturing process; waste streams for wastes stored in tank nos. TK-2303A and B and TK-2310A and B; and tank nos. TK-2303A and B and TK-2310A and B as waste management units.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1%

Matrix Notes

At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 186

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes The Respondent came into compliance on February 11, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$356

This violation Final Assessed Penalty (adjusted for limits) \$356

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP

Case ID No.: 39151

Reg. Ent. Reference No.: RN100542281

Media: Industrial and Hazardous Waste

Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
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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	\$200	3-Aug-2009	11-Feb-2010	0.53	\$5	n/a	\$5
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 update the Facility's NOR to accurately reflect the waste management activities at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$5

Compliance History Report

Customer/Respondent/Owner-Operator:

CN600124705 Equistar Chemicals, LP

Classification: AVERAGE

Rating: 2.91

Regulated Entity:

RN100542281 CHANNELVIEW COMPLEX

Classification: HIGH

Site Rating: 0.00

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0033B
AIR OPERATING PERMITS	PERMIT	1426
AIR OPERATING PERMITS	PERMIT	2174
AIR OPERATING PERMITS	PERMIT	2175
AIR OPERATING PERMITS	PERMIT	2176
AIR OPERATING PERMITS	PERMIT	2177
AIR OPERATING PERMITS	PERMIT	2178
AIR OPERATING PERMITS	PERMIT	2179
AIR OPERATING PERMITS	PERMIT	2180
AIR OPERATING PERMITS	PERMIT	2181
AIR OPERATING PERMITS	PERMIT	2182
AIR OPERATING PERMITS	PERMIT	2183
AIR OPERATING PERMITS	PERMIT	2184
AIR OPERATING PERMITS	PERMIT	2185
WASTEWATER	PERMIT	WQ0000391000
WASTEWATER	PERMIT	TPDES0003531
WASTEWATER	PERMIT	TX0003531
AIR NEW SOURCE PERMITS	PERMIT	1768
AIR NEW SOURCE PERMITS	PERMIT	2128
AIR NEW SOURCE PERMITS	PERMIT	2933
AIR NEW SOURCE PERMITS	PERMIT	2936
AIR NEW SOURCE PERMITS	PERMIT	3130A
AIR NEW SOURCE PERMITS	PERMIT	3294
AIR NEW SOURCE PERMITS	PERMIT	6245
AIR NEW SOURCE PERMITS	PERMIT	6387
AIR NEW SOURCE PERMITS	PERMIT	8125
AIR NEW SOURCE PERMITS	REGISTRATION	10586
AIR NEW SOURCE PERMITS	REGISTRATION	10700
AIR NEW SOURCE PERMITS	REGISTRATION	10812
AIR NEW SOURCE PERMITS	REGISTRATION	11735
AIR NEW SOURCE PERMITS	REGISTRATION	12334
AIR NEW SOURCE PERMITS	REGISTRATION	13849
AIR NEW SOURCE PERMITS	REGISTRATION	15348
AIR NEW SOURCE PERMITS	REGISTRATION	12341
AIR NEW SOURCE PERMITS	PERMIT	22779

AIR NEW SOURCE PERMITS	REGISTRATION	23079
AIR NEW SOURCE PERMITS	PERMIT	24677
AIR NEW SOURCE PERMITS	PERMIT	24887
AIR NEW SOURCE PERMITS	REGISTRATION	30868
AIR NEW SOURCE PERMITS	REGISTRATION	32136
AIR NEW SOURCE PERMITS	REGISTRATION	32629
AIR NEW SOURCE PERMITS	REGISTRATION	33899
AIR NEW SOURCE PERMITS	REGISTRATION	34897
AIR NEW SOURCE PERMITS	REGISTRATION	42948
AIR NEW SOURCE PERMITS	REGISTRATION	47487
AIR NEW SOURCE PERMITS	REGISTRATION	50141
AIR NEW SOURCE PERMITS	REGISTRATION	50142
AIR NEW SOURCE PERMITS	REGISTRATION	50165
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0033B
AIR NEW SOURCE PERMITS	REGISTRATION	52720
AIR NEW SOURCE PERMITS	REGISTRATION	54098
AIR NEW SOURCE PERMITS	REGISTRATION	88680
AIR NEW SOURCE PERMITS	REGISTRATION	76017
AIR NEW SOURCE PERMITS	REGISTRATION	75881
AIR NEW SOURCE PERMITS	REGISTRATION	76313
AIR NEW SOURCE PERMITS	REGISTRATION	76277
AIR NEW SOURCE PERMITS	AFS NUM	4820100075
AIR NEW SOURCE PERMITS	PERMIT	49120
AIR NEW SOURCE PERMITS	PERMIT	49130
AIR NEW SOURCE PERMITS	REGISTRATION	74110
AIR NEW SOURCE PERMITS	REGISTRATION	73859
AIR NEW SOURCE PERMITS	REGISTRATION	72948
AIR NEW SOURCE PERMITS	REGISTRATION	72946
AIR NEW SOURCE PERMITS	REGISTRATION	74051
AIR NEW SOURCE PERMITS	REGISTRATION	74563
AIR NEW SOURCE PERMITS	REGISTRATION	74181
AIR NEW SOURCE PERMITS	REGISTRATION	74944
AIR NEW SOURCE PERMITS	REGISTRATION	74949
AIR NEW SOURCE PERMITS	REGISTRATION	75322
AIR NEW SOURCE PERMITS	REGISTRATION	76778
AIR NEW SOURCE PERMITS	REGISTRATION	76791
AIR NEW SOURCE PERMITS	REGISTRATION	76651
AIR NEW SOURCE PERMITS	REGISTRATION	77318

AIR NEW SOURCE PERMITS	REGISTRATION	77619
AIR NEW SOURCE PERMITS	REGISTRATION	77640
AIR NEW SOURCE PERMITS	REGISTRATION	76693
AIR NEW SOURCE PERMITS	REGISTRATION	78024
AIR NEW SOURCE PERMITS	REGISTRATION	78069
AIR NEW SOURCE PERMITS	REGISTRATION	78128
AIR NEW SOURCE PERMITS	REGISTRATION	78108
AIR NEW SOURCE PERMITS	REGISTRATION	77631
AIR NEW SOURCE PERMITS	REGISTRATION	78278
AIR NEW SOURCE PERMITS	REGISTRATION	78343
AIR NEW SOURCE PERMITS	REGISTRATION	78191
AIR NEW SOURCE PERMITS	REGISTRATION	78252
AIR NEW SOURCE PERMITS	REGISTRATION	78560
AIR NEW SOURCE PERMITS	REGISTRATION	78173
AIR NEW SOURCE PERMITS	REGISTRATION	78197
AIR NEW SOURCE PERMITS	REGISTRATION	78772
AIR NEW SOURCE PERMITS	REGISTRATION	78381
AIR NEW SOURCE PERMITS	REGISTRATION	78819
AIR NEW SOURCE PERMITS	REGISTRATION	79261
AIR NEW SOURCE PERMITS	REGISTRATION	79431
AIR NEW SOURCE PERMITS	REGISTRATION	79460
AIR NEW SOURCE PERMITS	REGISTRATION	78599
AIR NEW SOURCE PERMITS	REGISTRATION	78978
AIR NEW SOURCE PERMITS	REGISTRATION	80296
AIR NEW SOURCE PERMITS	REGISTRATION	80137
AIR NEW SOURCE PERMITS	REGISTRATION	80914
AIR NEW SOURCE PERMITS	REGISTRATION	80689
AIR NEW SOURCE PERMITS	REGISTRATION	80597
AIR NEW SOURCE PERMITS	REGISTRATION	81543
AIR NEW SOURCE PERMITS	REGISTRATION	81190
AIR NEW SOURCE PERMITS	REGISTRATION	81189
AIR NEW SOURCE PERMITS	REGISTRATION	81759
AIR NEW SOURCE PERMITS	REGISTRATION	81636
AIR NEW SOURCE PERMITS	REGISTRATION	81630
AIR NEW SOURCE PERMITS	REGISTRATION	82226
AIR NEW SOURCE PERMITS	REGISTRATION	81716
AIR NEW SOURCE PERMITS	REGISTRATION	81930
AIR NEW SOURCE PERMITS	REGISTRATION	82538

AIR NEW SOURCE PERMITS	REGISTRATION	85128
AIR NEW SOURCE PERMITS	REGISTRATION	84818
AIR NEW SOURCE PERMITS	REGISTRATION	90128
AIR NEW SOURCE PERMITS	REGISTRATION	85442
AIR NEW SOURCE PERMITS	REGISTRATION	90882
AIR NEW SOURCE PERMITS	REGISTRATION	87006
AIR NEW SOURCE PERMITS	REGISTRATION	85303
AIR NEW SOURCE PERMITS	REGISTRATION	84079
AIR NEW SOURCE PERMITS	REGISTRATION	84091
AIR NEW SOURCE PERMITS	PERMIT	83799
AIR NEW SOURCE PERMITS	REGISTRATION	84183
AIR NEW SOURCE PERMITS	REGISTRATION	84715
AIR NEW SOURCE PERMITS	REGISTRATION	84149
AIR NEW SOURCE PERMITS	REGISTRATION	84502
AIR NEW SOURCE PERMITS	REGISTRATION	84076
AIR NEW SOURCE PERMITS	REGISTRATION	84651
AIR NEW SOURCE PERMITS	REGISTRATION	84381
AIR NEW SOURCE PERMITS	REGISTRATION	85308
AIR NEW SOURCE PERMITS	REGISTRATION	84541
AIR NEW SOURCE PERMITS	REGISTRATION	88142
AIR NEW SOURCE PERMITS	REGISTRATION	90148
AIR NEW SOURCE PERMITS	REGISTRATION	91261
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD058275769
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30030
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50117
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50117
UNDERGROUND INJECTION CONTROL	PERMIT	WDW036
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011578
WATER LICENSING	LICENSE	1011578
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30030
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0033B

Location:

8280 SHELDON RD BLDG 1, CHANNELVIEW, TX, 77530

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

February 03, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 03, 2005 to February 03, 2010

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

Name: Michael Meyer Phone: 239 - 4492

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 12/02/2006 ADMINORDER 2006-0515-AIR-E

Classification: Moderate

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

Rqmt Prov: S.C. 1 PERMIT

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

Effective Date: 05/22/2008 ADMINORDER 2007-1230-AIR-E

Classification: Moderate

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

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

Rqmt Prov: Permit # 2128 SC 1 PA

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Effective Date: 06/19/2008 ADMINORDER 2007-0493-AIR-E

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP O-02177 SC 10 OP

FOP O-02177 SC 1A OP

NSR 22779 SC 8(E) PA

Description: Failed to cap 4 open-ended lines.

Classification: Moderate

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

Rqmt Prov: FOP O-02177 SC 10 OP
FOP O-02177 SC 1A OP
NSR 22779 SC 6(A) PA

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

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02177 SC 1.J(ii) OP

Description: Failed to report corrective actions within the required time frame.

Classification: Moderate

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

Rqmt Prov: FOP O-01277 SC 1.J(ii) OP

Description: Failed to calibrate the Poly Butadiene unit flare analyzer.

Classification: Minor

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

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

Classification: Moderate

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

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

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: FOP O-02177 SC 1A OP

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

Classification: Moderate

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

Rqmt Prov: FOP O-02177 SC 10 OP
FOP O-02177 SC 1A OP
NSR 22779 SC 8(I) PA

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

Classification: Moderate

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

Rqmt Prov: FOP O-02181 SC 1A OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: FOP O-02181 SC 1A OP

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

Classification: Moderate

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

Description: Failed to timely conduct flare analyzer calibrations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02181 SC 1A OP
FOP O-02181 SC 22 OP
NSR 2128 SC 8(E) PA

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

Classification: Minor

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

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include PBR claims in a FOP.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02178 SC 10 OP
FOP O-02178 SC 1A OP
NSR 24677 SC 1 PA

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

Classification: Moderate

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

Rqmt Prov: FOP O-02178 SC 10 OP
NSR 24677 SC 11F PA
NSR 24677 SC 13 PA

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: STC 10 OP

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

Classification: Moderate

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

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

Description: Failed to perform closed loop cumene sampling.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02178 SC 1A OP

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

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02178 SC 3 OP

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

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

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

Description: Failure to control emissions from cooling towers OP1, OP2, and East Plant under MAERT limits.

Classification: Moderate

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

Description: Failure to properly define for cooling towers OP1 and OP2, VOC in the exhaust air from the air stripping system (either ppmv or lb/VOC/gal) at which a leak into cooling water will be assumed.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(A)

Description: Failure to report upset emissions of benzene from cooling towers.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2
30 TAC Chapter 335, SubChapter B 335.43

Description: Unauthorized discharges into the East basin were noted

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent unauthorized emissions of 4,380 pounds (lbs) of unspecified volatile organic compounds (VOCs), 1,511 lbs of butadiene, and 1,095 lbs of butene during an emissions event on September 1, 2003 that lasted three minutes.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report all individually listed compounds or mixtures of air contaminants in an emissions event notification. Specifically, VOCs were not specified.

Classification: Moderate

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

Description: Failed to prevent the unauthorized release of 173 pounds (lbs) of volatile organic compounds (VOCs), including 30 lbs of Highly Reactive VOCs from the Condensate Pot (D-3655) during an emissions event that began on April 21, 2004 and lasted for 170 hours and 45 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly notify the TCEQ of an emissions event that began on July 14, 2004. Specifically, Equistar failed to identify the common name of the facility which incurred the emissions event in the Initial Notification.

Classification: Moderate

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

Rqmt Prov: General Condition No. 8 PERMIT

Description: Failed to comply with permitted emission limits during an emissions event that began on July 14, 2004 and lasted for three hours and 30 minutes.

Classification: Moderate

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

Description: Failed to prevent the unauthorized release of 6,100 pounds of propylene from the Propylene Product Drum (D-4687) during an emissions event that began on June 23, 2004 and lasted for two hours.

Classification: Moderate

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

Description: Failed to prevent the unauthorized release of 340 lbs of propylene and 17 lbs of propane from a pressure relief valve in Exchanger E-36232 during an emissions event that began on July 14, 2004 and lasted for 3,057 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly notify the TCEQ of an emissions event that began on July 22, 2004. Specifically, Equistar failed to speciate VOCs in the Initial Notification and Final Report.

Classification: Moderate

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

Rqmt Prov: Permit No. 1768, General Condition No. 8 PERMIT
Permit No. 2936, Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emission limits during an emissions event that began on July 22, 2004 and lasted for 200 hours.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2128, GC No. 8 PERMIT

Description: Failed to prevent a unauthorized emissions of 990 pounds ("lbs") of 1,3 butadiene during an avoidable emissions event that occurred on November 23, 2004 and lasted three minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #1768, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions of 119.35 pounds (lbs) of benzene and 154.69 lbs of volatile organic compounds during an emissions event that occurred on April 1, 2005 and lasted 200 hours and 30 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #6387, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions of 25 pounds (lbs) of 1,3-butadiene, 603 lbs of N-butane, 1,756 lbs of butene, 155 lbs of isobutane, and 7 lbs of propylene during an emissions event that occurred on May 24, 2005 and lasted 2 hours. These emissions are not permitted. Since this emissions event was avoidable

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 24887, GC #8 PERMIT

Description: Failed to prevent a unauthorized emissions of 1,532 lbs of propylene and 10 lbs of isobutane during an avoidable emissions event that occurred on July 1, 2004 and lasted 4 hours and 54 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 2 PERMIT

Description: Failed to properly seal the end of a lines containing volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs"). Specifically, VOC and HAP concentrations detected from 10 plugs in the Methyl Tertiary Butyl Ether ("MTBE") and Butadiene ("C4 Recovery") units.

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 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 10E PERMIT

Special Condition 1E PERMIT

Special Condition 2C PERMIT

Description: Failed to equip each open-ended line or valve with a cap, blind flange, plug, or second valve. Specifically, two valves in the East Tank Farm, one line in the Alkylation Unit, and one line in the C4 Recovery Unit were not equipped with a cap, blind flange, plug, or second valve.

Classification: Moderate

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

Rqmt Prov: 2128, SC No.7A PERMIT

Description: Failed to perform monthly monitoring of the East Plant Cooling Tower, Emission Point Number ("EPN") 24E04. Specifically, streams from six headers returning water to the cooling tower to a single monitoring point were combined prior to monitoring, but required to monitor the six headers individually.

Classification: Moderate

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

Rqmt Prov: 2128, SC No. 7B PERMIT

Description: Failed to maintain an emission rate below the allowable emission limit for EPN 24E04. Specifically, a canister sample was taken at Header Number 2 and results revealed emissions were 6.16 lbs per hour ("lbs/hr"), but the permitted limit is 3.23 lbs/hr.

Classification: Moderate

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

Description: Failed to represent the product and process information properly in the renewal application dated August 2004 for Permit No. 24887. Specifically, alkylates were not separated into C5s, C6s, C8s, C9s, and C10s. The alkylates contain 3 to 6% of isopentane and more than 1,102 tons per year is being produced.

Effective Date: 01/28/2010

ADMINORDER 2008-1085-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 1768, SC#1 PA

Description: the Respondent failed to prevent the Superheaters A and B flow elements from collecting moisture which caused the Superheaters to trip on November 24, 2007, resulting in the release of 2,383 pounds of volatile organic compounds, 2,461 pounds of carbon monoxide, and 278 pounds of nitrogen oxides from the Olefins Plant 1 over a three hour period. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent leak on the wall of Tank 3112 which resulted in 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	02/10/2005	(337111)
2	02/10/2005	(349111)
3	02/10/2005	(349267)
4	02/10/2005	(349316)
5	02/10/2005	(349636)
6	02/11/2005	(336418)
7	02/11/2005	(336433)
8	02/11/2005	(336438)
9	02/17/2005	(343594)
10	02/23/2005	(381706)
11	02/25/2005	(345588)
12	03/03/2005	(339106)
13	03/22/2005	(381707)
14	03/28/2005	(375212)
15	03/28/2005	(375220)
16	03/28/2005	(375234)
17	03/31/2005	(373125)
18	04/06/2005	(375076)
19	04/18/2005	(375016)
20	04/20/2005	(372583)
21	04/20/2005	(376147)
22	04/22/2005	(346277)
23	04/25/2005	(377509)
24	05/03/2005	(419501)
25	05/24/2005	(419502)
26	06/14/2005	(393497)
27	06/21/2005	(419503)
28	06/22/2005	(381407)
29	06/22/2005	(392621)
30	06/23/2005	(378454)
31	06/23/2005	(378466)
32	07/15/2005	(395098)
33	07/18/2005	(392902)
34	07/22/2005	(381313)
35	07/22/2005	(392487)
36	07/22/2005	(392651)
37	07/22/2005	(394428)
38	07/25/2005	(440656)
39	07/26/2005	(399215)
40	08/05/2005	(381400)
41	08/05/2005	(392610)
42	08/05/2005	(393207)
43	08/11/2005	(404321)
44	08/11/2005	(404342)
45	08/11/2005	(404367)
46	08/11/2005	(404370)

47	08/12/2005	(399221)
48	08/15/2005	(404957)
49	08/23/2005	(440657)
50	08/24/2005	(406415)
51	08/26/2005	(372787)
52	08/29/2005	(406161)
53	09/13/2005	(431694)
54	10/24/2005	(440658)
55	10/26/2005	(440659)
56	11/15/2005	(434603)
57	11/18/2005	(437299)
58	11/22/2005	(468155)
59	11/28/2005	(468154)
60	12/01/2005	(435325)
61	12/08/2005	(434728)
62	12/19/2005	(438915)
63	12/21/2005	(468156)
64	02/15/2006	(455481)
65	02/22/2006	(450109)
66	02/24/2006	(451477)
67	02/27/2006	(468153)
68	02/28/2006	(451452)
69	02/28/2006	(451480)
70	02/28/2006	(451483)
71	02/28/2006	(451494)
72	02/28/2006	(451788)
73	03/13/2006	(454890)
74	03/23/2006	(498017)
75	03/24/2006	(457373)
76	03/28/2006	(453139)
77	03/29/2006	(459500)
78	03/31/2006	(455940)
79	04/24/2006	(498018)
80	04/28/2006	(462755)
81	05/16/2006	(463873)
82	05/23/2006	(466508)
83	05/23/2006	(498019)
84	05/24/2006	(465260)
85	05/31/2006	(480405)
86	05/31/2006	(480422)
87	05/31/2006	(480427)
88	05/31/2006	(480433)
89	05/31/2006	(480441)
90	05/31/2006	(480444)
91	06/21/2006	(498020)
92	06/26/2006	(464019)
93	06/30/2006	(483427)
94	07/07/2006	(484895)
95	07/17/2006	(460500)
96	07/17/2006	(464664)
97	07/19/2006	(480415)
98	07/20/2006	(486401)
99	07/24/2006	(520033)
100	07/28/2006	(484749)
101	08/04/2006	(339110)
102	08/15/2006	(481194)
103	08/15/2006	(482128)
104	08/15/2006	(489890)
105	08/16/2006	(457265)

106	08/21/2006	(520034)
107	09/01/2006	(510768)
108	09/05/2006	(486742)
109	09/25/2006	(520035)
110	10/04/2006	(488324)
111	10/24/2006	(544282)
112	11/21/2006	(516667)
113	11/27/2006	(544283)
114	11/30/2006	(531615)
115	12/11/2006	(519152)
116	12/19/2006	(544284)
117	12/29/2006	(535494)
118	01/23/2007	(544285)
119	01/30/2007	(538091)
120	01/31/2007	(517108)
121	01/31/2007	(537091)
122	01/31/2007	(537099)
123	01/31/2007	(537102)
124	02/08/2007	(538420)
125	02/22/2007	(485046)
126	02/22/2007	(574936)
127	02/27/2007	(532597)
128	03/21/2007	(532595)
129	03/23/2007	(574937)
130	04/05/2007	(532607)
131	04/10/2007	(532608)
132	04/12/2007	(541831)
133	04/12/2007	(554839)
134	04/18/2007	(593172)
135	04/23/2007	(539454)
136	04/23/2007	(574938)
137	05/23/2007	(574939)
138	06/25/2007	(574940)
139	06/27/2007	(560042)
140	07/18/2007	(556815)
141	07/18/2007	(566602)
142	07/24/2007	(567353)
143	07/28/2007	(574941)
144	07/30/2007	(543338)
145	08/03/2007	(543345)
146	08/06/2007	(568530)
147	08/06/2007	(568542)
148	08/06/2007	(607498)
149	08/09/2007	(562982)
150	08/09/2007	(563012)
151	08/10/2007	(562990)
152	08/10/2007	(563023)
153	08/10/2007	(564946)
154	08/20/2007	(564294)
155	08/20/2007	(564331)
156	08/20/2007	(564380)
157	08/22/2007	(607499)
158	08/23/2007	(571675)
159	08/24/2007	(543303)
160	08/24/2007	(543306)
161	09/24/2007	(607500)
162	09/28/2007	(563816)
163	09/28/2007	(564856)
164	09/28/2007	(564932)

165 09/28/2007 (566320)
166 10/04/2007 (56573)
167 10/10/2007 (565969)
168 10/10/2007 (566558)
169 10/10/2007 (566616)
170 10/12/2007 (571938)
171 10/12/2007 (572220)
172 10/12/2007 (572252)
173 10/12/2007 (572267)
174 10/12/2007 (572362)
175 10/12/2007 (572404)
176 10/15/2007 (572176)
177 10/16/2007 (593759)
178 10/23/2007 (619405)
179 11/19/2007 (594272)
180 11/19/2007 (619406)
181 11/26/2007 (570252)
182 11/26/2007 (570313)
183 11/26/2007 (570316)
184 11/26/2007 (570346)
185 11/26/2007 (570400)
186 11/28/2007 (596225)
187 12/07/2007 (568047)
188 12/07/2007 (568066)
189 12/07/2007 (568076)
190 12/07/2007 (568153)
191 12/07/2007 (568347)
192 12/07/2007 (568368)
193 12/17/2007 (608808)
194 12/27/2007 (619407)
195 01/02/2008 (595848)
196 01/02/2008 (599541)
197 01/03/2008 (599518)
198 01/03/2008 (599950)
199 01/08/2008 (600740)
200 01/10/2008 (600765)
201 01/10/2008 (613652)
202 01/22/2008 (671912)
203 01/23/2008 (614499)
204 01/25/2008 (615980)
205 01/28/2008 (615871)
206 01/28/2008 (616242)
207 01/29/2008 (610831)
208 02/15/2008 (615597)
209 02/25/2008 (671910)
210 03/06/2008 (596061)
211 03/06/2008 (610691)
212 03/19/2008 (616201)
213 03/19/2008 (616236)
214 03/19/2008 (616259)
215 03/20/2008 (671911)
216 03/26/2008 (637649)
217 03/27/2008 (611770)
218 04/04/2008 (610663)
219 04/10/2008 (616840)
220 04/22/2008 (689830)
221 04/24/2008 (637133)
222 04/29/2008 (641446)
223 05/02/2008 (610690)

224	05/06/2008	(638391)
225	05/06/2008	(638445)
226	05/06/2008	(638471)
227	05/08/2008	(638556)
228	05/16/2008	(639245)
229	05/16/2008	(639472)
230	05/22/2008	(689831)
231	05/23/2008	(639094)
232	06/06/2008	(682324)
233	06/16/2008	(610615)
234	06/17/2008	(636281)
235	06/24/2008	(689832)
236	07/03/2008	(636094)
237	07/03/2008	(681436)
238	07/07/2008	(654572)
239	07/09/2008	(683399)
240	07/10/2008	(685750)
241	07/18/2008	(681438)
242	07/22/2008	(710592)
243	07/30/2008	(687221)
244	08/01/2008	(681437)
245	08/11/2008	(610620)
246	08/11/2008	(637040)
247	08/13/2008	(682388)
248	08/15/2008	(689619)
249	08/25/2008	(710593)
250	08/27/2008	(638212)
251	08/29/2008	(681367)
252	09/08/2008	(681362)
253	10/13/2008	(704398)
254	10/15/2008	(686481)
255	10/15/2008	(686491)
256	10/17/2008	(679974)
257	10/17/2008	(680354)
258	10/22/2008	(682983)
259	10/22/2008	(727384)
260	10/23/2008	(680427)
261	10/23/2008	(681178)
262	10/27/2008	(687534)
263	10/28/2008	(685998)
264	10/29/2008	(686367)
265	10/29/2008	(686377)
266	10/29/2008	(686382)
267	10/29/2008	(687350)
268	10/29/2008	(705305)
269	10/31/2008	(686446)
270	11/07/2008	(701030)
271	11/20/2008	(704732)
272	11/20/2008	(704907)
273	11/21/2008	(706552)
274	11/24/2008	(654539)
275	11/24/2008	(727385)
276	11/25/2008	(707993)
277	12/04/2008	(700744)
278	12/04/2008	(702100)
279	12/05/2008	(654812)
280	12/05/2008	(654846)
281	12/05/2008	(654874)
282	12/05/2008	(707275)

283	12/11/2008	(683007)
284	12/15/2008	(686398)
285	12/15/2008	(686403)
286	12/15/2008	(686411)
287	12/15/2008	(686444)
288	12/15/2008	(686496)
289	12/15/2008	(686500)
290	12/15/2008	(686508)
291	12/16/2008	(710038)
292	12/17/2008	(685609)
293	12/17/2008	(710007)
294	12/22/2008	(727386)
295	01/09/2009	(721591)
296	01/16/2009	(709781)
297	01/16/2009	(721214)
298	01/22/2009	(750128)
299	02/03/2009	(722705)
300	02/10/2009	(726755)
301	02/12/2009	(683026)
302	02/13/2009	(657092)
303	02/16/2009	(724818)
304	02/16/2009	(725983)
305	02/16/2009	(726007)
306	02/16/2009	(726040)
307	02/16/2009	(726571)
308	02/16/2009	(726949)
309	02/17/2009	(726783)
310	02/24/2009	(750125)
311	02/26/2009	(725940)
312	03/23/2009	(750126)
313	03/31/2009	(735618)
314	04/06/2009	(738472)
315	04/09/2009	(738272)
316	04/13/2009	(738348)
317	04/13/2009	(738352)
318	04/13/2009	(738805)
319	04/17/2009	(740559)
320	04/22/2009	(736328)
321	04/22/2009	(768262)
322	04/28/2009	(737713)
323	04/30/2009	(740883)
324	05/01/2009	(707130)
325	05/04/2009	(738986)
326	05/04/2009	(741949)
327	05/04/2009	(741983)
328	05/04/2009	(741994)
329	05/14/2009	(742317)
330	05/14/2009	(742327)
331	05/15/2009	(742125)
332	05/15/2009	(742826)
333	05/22/2009	(768263)
334	05/26/2009	(705763)
335	06/17/2009	(749322)
336	06/18/2009	(749474)
337	06/24/2009	(741317)
338	06/24/2009	(744476)
339	06/24/2009	(744489)
340	06/24/2009	(748352)
341	06/29/2009	(741269)

342	06/29/2009	(744624)
343	07/02/2009	(744588)
344	07/02/2009	(745599)
345	07/02/2009	(745661)
346	07/02/2009	(745805)
347	07/03/2009	(747361)
348	07/06/2009	(745792)
349	07/07/2009	(744818)
350	07/08/2009	(745749)
351	07/08/2009	(745772)
352	07/08/2009	(745783)
353	07/09/2009	(701940)
354	07/14/2009	(746327)
355	07/14/2009	(746862)
356	07/15/2009	(746896)
357	07/15/2009	(747036)
358	07/15/2009	(748537)
359	07/16/2009	(748500)
360	07/17/2009	(741607)
361	07/17/2009	(748489)
362	07/17/2009	(748521)
363	07/17/2009	(761599)
364	07/21/2009	(741126)
365	07/21/2009	(748906)
366	08/06/2009	(747389)
367	08/07/2009	(759876)
368	08/10/2009	(749006)
369	08/10/2009	(749069)
370	08/11/2009	(747513)
371	08/12/2009	(763679)
372	08/13/2009	(765694)
373	08/17/2009	(747005)
374	08/19/2009	(764588)
375	08/25/2009	(747519)
376	08/31/2009	(747366)
377	09/02/2009	(749680)
378	09/02/2009	(761345)
379	09/04/2009	(760698)
380	09/15/2009	(764199)
381	09/18/2009	(763300)
382	09/18/2009	(776092)
383	09/23/2009	(761038)
384	09/28/2009	(760699)
385	09/28/2009	(763305)
386	09/29/2009	(763519)
387	09/29/2009	(764060)
388	10/06/2009	(765952)
389	10/08/2009	(766727)
390	10/08/2009	(766753)
391	10/09/2009	(749624)
392	10/15/2009	(764037)
393	10/15/2009	(764168)
394	10/26/2009	(779986)
395	11/19/2009	(782624)
396	11/30/2009	(778813)
397	11/30/2009	(778821)
398	11/30/2009	(778834)
399	12/23/2009	(786567)
400	01/04/2010	(786397)

401 01/05/2010 (778225)
 402 01/05/2010 (778273)
 403 01/05/2010 (778503)
 404 01/05/2010 (779681)
 405 01/21/2010 (786504)
 406 01/22/2010 (786477)
 407 01/28/2010 (784795)
 408 02/02/2010 (784880)

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

Date: 04/20/2005 (372583) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)
 Description: Equistar failed to submit the Final Report electronically.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Permit No. 22779, Special Condition No.1 PERMIT
 Description: Equistar failed to prevent an avoidable emissions event.

Date: 08/05/2005 (381400) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: Failure to test within 60 days following installation of NOx control equipment on furnace 3403.

Date: 08/05/2005 (393207) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4406.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: Failure to test within 60 days following installation of NOx control equipment on F4410.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4401.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 3401.

Date: 08/05/2005 (392610) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)
 Description: Failure to test within 60 days following installation of NOx control equipment on Furnace 4404.

Date: 08/10/2005 (404514) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Permit #2128, GC #8 PERMIT
 Description: Failure to prevent a leak in Tower T-301.

Date: 09/13/2005 (431694) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide an adequate ground storage capacity.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)

Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

Date: 11/18/2005 (437299) CN600124705

Self Report? NO Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

3130A, SC No. 4 PERMIT

O02179, ST&C No. 10 OP

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

Self Report? NO Classification: Minor

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

Description: Failure to install the totalizing fuel flow meter on EGBVC6904.

Date: 12/08/2005 (434728) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(3)

Description: Failure to submit the off-permit notification for claiming the permit by rule for flare emissions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(6)

Description: Failure to register the PBR within 10 of increase in flare emissions.

Self Report? NO Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

49130, S.C. No.5 PERMIT

O-02180, S.C No.1A OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)

30 TAC Chapter 122, SubChapter B 122.143(4)

O-02180, SC. 1.A OP

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

Self Report? NO Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

49130, SC 5.E PERMIT

O-02180, SC 1.A OP

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

Self Report? NO Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

49130, S.C 7 PERMIT

O-02180, S.C 11 OP

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

Self Report? NO Classification: Moderate

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

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

Date: 12/19/2005 (438915) CN600124705

Self Report? NO Classification: Moderate

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

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

rules claimed in 1997 and 2002.

Self Report? NO Classification: Moderate
Citation: 22779, SC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02177, STC 10 OP

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

Self Report? NO Classification: Moderate
Citation: 22779, SC 8 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02177, STC 10 OP

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

Self Report? NO Classification: Moderate
Citation: 22779, SC 8.E PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02177, STC 10 OP

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

Date: 12/31/2005 (440659) CN600124705

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 02/22/2006 (450109) CN600124705

Self Report? NO Classification: Moderate
Citation: 24887 SC1.E PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O02176, SC 15 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter C 122.222(k)(3)

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)

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

Self Report? NO Classification: Moderate
Citation: 24887, SC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O02176, SC 15 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.142
30 TAC Chapter 122, SubChapter B 122.143(4)
O02176, SC 5 OP

Description: Failure to control the wastewater streams as required by 30 TAC 115.142.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
O02176, SC 1.A OP

Description: Failure to make the tank seal inspection notification 30 days in advance.

Date: 02/28/2006 (451788) 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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
NSR Permit No. 8125, SC 6E PA

Description: Failure to plug two open-ended-lines.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)

Description: Failure to install fuel flow meter on Diesel Engine, P-3314.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

Description: Failure to include compressor information in the HON Subpart H Semiannual report.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(a)

Description: Failure to maintain appropriate records of 220 connectors, 6 instrument systems, 4 PSVs, 2 pumps, and 101 valves.

Date: 03/24/2006 (457373) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide an adequate ground storage capacity.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)

Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

Date: 03/28/2006 (453139) CN600124705

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR Permit No 2936, SC 10E PA
O-02182 Special Terms and Condition 15 OP

Description: Failed to plug 20 open-ended lines.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.222(k)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02181 General Terms and Condition OP

Description: The facility failed to register two tanks and one cooling tower within ten (10) days of change as required during August 19, 2004 through November 22, 2004.

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02182 General Terms and Condition OP

Description: Failure to include compressor information in the HON Subpart H semiannual report for the reporting period from February 28, 2005 through August 19, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition No. 10F PA
Special Terms and Condition 15 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
General Terms and Condition OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Terms and Condition 15 OP

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
SC No 1 of NSR Permit No. 2936. PA
Special Terms and Conditions 15 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PA
Special Terms and Condition 15 OP

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to include all the emission authorizations for the cooling tower were not represented in the title V permit.

Date: 03/29/2006 (459500) 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. 2128 PERMIT

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

Date: 03/31/2006 (455940) CN600124705

Self Report? NO Classification: Minor

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

Description: 5C THC Chapter 382, SubChapter D 382.085(b)
 Failure to represent the two sources that are subject to 30 TAC 111 rules in the Title V Operating Permit O-02175.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 6245, SC 1 PERMIT
 O02175, STC 10 OP

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 6245, SC 7.E PERMIT
 O02175, STC 10 OP
 O02175, STC 1A OP

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O02175, STC 1A OP

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.354(5)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O02175, STC 1A OP

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 6245, SC 7 PERMIT
 O02175, STC 10 OP
 O02175, STC 1A OP

Description: Failure to include 2 pumps, 32 valves, and 103 connectors in the C5 recovery unit in fugitive monitoring database.

Date: 05/16/2006 (463873) 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. 2128 PERMIT

Description: Failure to prevent the release of unauthorized emissions from a leaking pipeline due to the removal of a blind.

Date: 05/24/2006 (465260) CN600124705

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to correctly represent the HON storage vessel provisions, HON container provisions, and 30 TAC 111 rules in the Title V Operating Permit O-02185.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02185, STC 16 OP
O-02185, STC 1A OP
Permit 6387, SC 2 PERMIT

Description: Failure to equip gasket on sample hatch cover and failure to have physical fasteners on float well cover on external floating roof tank (Tank 26).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(b)(6)
6387, SC 2 PERMIT
O-02185, STC 16 OP
O-02185, STC 1A OP

Description: Failure to cover all the openings on internal floating roof tanks: Tank 37 and Tank 47 and failure to have physical fasteners on float well covers on internal floating roof tanks: Tank 37, 48, and 49.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
6387, SC 2 PERMIT
O-02185, STC 1A OP
O-02185, STC 16 OP

Description: Failure to keep the floating roof of Tank 47 always in contact with liquid surface during the regular operations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
6387, SC 4.A PERMIT
O-02185, STC 16 OP

Description: Failure to obtain authorization for the emissions resulted from analyzer vents in the MTBE Unit

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
6387, SC 2 PERMIT
O-02185, STC 1A OP
O-02185, STC 16 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02185, STC 1A OP

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

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(a)
5C THC Chapter 382, SubChapter D 382.085(b)
6387, SC 5 PERMIT
O-02185, STC 1.A OP
O-02185, STC 16 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02185, SC 5 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
6387, SC 2 PERMIT
O-02185, STC 1.A OP
O-02185, STC 16 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
6387, SC 2 PERMIT
O-02185, STC 1.A OP
O-02185, STC 16 OP

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

Date: 06/26/2006 (464019) CN600124705

Self Report? NO Classification: Moderate

Citation: 00391-000 PERMIT
30 TAC Chapter 319, SubChapter A 319.7(a)

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

Date: 07/28/2006 (484749) 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)
No. 22779, Special Condition No. 1 PERMIT

Description: Equistar failed to prevent this emissions event

Date: 08/15/2006 (489890) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update Notice of Registration

Date: 08/16/2006 (457265) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to control emissions from drum D3075 and from tank TK20.

Self Report? NO Classification: Moderate

Citation: 2128, SC 10E PERMIT

30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02184, ST&C 18 OP
 O-02184, ST&C 1A OP

Description: Failure to cap or plug 174 open ended lines in VOC service.
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to have a Startup/Shutdown/Malfunction plan to address visible emissions from east plant flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02184, ST&C 1A OP

Description: Failure to conduct monthly monitoring on 4 HON pumps in January 2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02184, ST&C 1A OP

Description: Failure to equip a sample point with a closed loop system on reactor effluent and T1204 overhead.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)

30 TAC Chapter 115, SubChapter H 115.782(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02184, ST&C 1H OP

Description: Failure to have identification numbers on the fugitive leak tags attached to 51 components.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
 30 TAC Chapter 122, SubChapter B 122.132(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to authorize emissions from sampling in the tank farm.
 Self Report? NO Classification: Moderate
 Citation: 2128, SC 10 PERMIT
 30 TAC Chapter 115, SubChapter D 115.352(1)
 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-02184, ST&C 18 OP
 O-02184, ST&C 1A OP

Description: Failure to include 16 pumps, 45 valves, and 292 connectors in the fugitive monitoring database.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02184, ST&C 13 OP

Description: Failure to control emissions from 3 wastewater streams (D-78, D-3055, D-03102).

Date: 11/30/2006 (544284) CN600124705
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/01/2007 (538420) CN600124705
Self Report? NO Classification: Moderate
Citation: 2933 Special Condition 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent process water collection system back-up.

Date: 03/31/2007 (574938) CN600124705
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/11/2007 (532608) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to include Polyols loading emissions in federal operating permit O-02179.

Date: 04/18/2007 (593172) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/24/2007 (567353) 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)
No. 1768, Special Condition No. 1 PERMIT
Description: Equistar failed to prevent a hole in a 1/4 inch nipple off of the flow orifice of the charge gas compressor.

Date: 07/31/2007 (607499) CN600124705
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (543338) 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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02175 SC 12 OP
FOP O-02175 SC 1A OP
NSR 6245 SC 7(E) PA
Description: Failure to equip lines in VOC service with caps/plugs from January 24 through December 6, 2006 (NSR 6245; FOP O-02175).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 115, SubChapter H 115.782(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02175 SC 12 OP
FOP O-02175 SC 1A OP
NSR 6245 SC 7(H) PA
Description: Failure to equip leaking pumps in VOC and HRVOC service with the required tags

from January 10 through May 8, 2006 (NSR 6245; FOP O-02175).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02175 SC 12 OP
 FOP O-02175 SC 1A OP
 NSR 6245 SC 7(l) PA

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(iv)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02175 SC 1A OP

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02175 SC 1A OP

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02175 SC 12 OP
 FOP O-02175 SC 1A OP
 NSR 6245 SC 7 PA

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

Date: 11/30/2007 (619407) CN600124705

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 03/06/2008 (610691) 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 Kb 60.112b(a)(1)(iv)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
 5C THSC Chapter 382 382.085(b)
 O-02180 Special Condition #1A OP

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02180 Special Condition #1J OP

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
49130 Special Condition #8A PERMIT
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition #1(J) OP
O-02180 Special Condition #11 OP

Description: Failure to not exceed actual flare tip velocity.
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(v)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition #1A OP

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

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 117, SubChapter B 117.206(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition #1(l) OP

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

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition #11 OP
O-02180 Special Condition #1J OP
Special Condition #8A PERMIT

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

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6
49130 Special Condition #5E PERMIT
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition #11 OP
O-02180 Special Condition #1A OP
O-02180 Special Condition #1J OP

Description: Failure to prevent one open-ended line found in VOC service.

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

49130 Special Condition #8A PERMIT
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition #11 OP
O-02180 Special Condition #1J OP

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

Date: 03/07/2008 (596061) 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 THSC Chapter 382 382.085(b)
FOP O-02179 SC 10 OP
NSR Permit 3130A SC 8E PA

Description: Failed to seal an open ended line.

Date: 03/27/2008 (611770) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.191(a)
PP II-C-2-h PERMIT

Description: Tank system assessment and certification was not adequate.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)(iii)
PP-II-C-2-h PERMIT

Description: Coating for the secondary containment showed visible cracks.

Date: 03/31/2008 (689830) CN600124705

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 04/04/2008 (610663) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
Special Condition (SC) #1A OP

Description: Failed to equip the gauge float wells with bolts or fasteners on the covers of the roof openings of Tanks 3102, 3111A, 3111B, and 3113, to ensure that the openings are air tight.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC #1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
5C THSC Chapter 382 382.085(b)
SC #1 PERMIT
SC #s 1 and 15 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC #1K(iv) OP

Description: Failure to have cooling tower differential pressure fall below 5 psig for one minute on October 7, 2006. (B19(g)(1))

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

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
SC #1A OP
SC #8E PERMIT

Description: Failure to have an open ended line in volatile organic compound (VOC) service on February 9, 2007. This constitutes a violation of NSR Permit #2936, SC #10, 30 TAC 115.352(4), and 40 CFR 63.167(a)(1). (C10)

Date: 05/02/2008 (610690) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.203(a)(12)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02181 Special Condition #1A OP

Description: Failure to prevent the diesel firewater pumps from exceeding the 100 hour runtime limit based on the rolling 12 month average.

Self Report? NO Classification: Minor
Citation: 2128 Special Condition #8E PERMIT
24887 Special Condition #1E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
49120 Special Condition #2D PERMIT
5C THSC Chapter 382 382.085(b)
6245 Special Condition #7E PERMIT
O-02181 Special Condition #1(l) OP
O-02181 Special Condition #1A OP
O-02181 Special Condition #22 OP

Description: Failure to seal 8 open-ended lines in VOC service.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02181 Special Condition #1(l) OP

Description: Failure to perform the yearly preventative maintenance (PM).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.244
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02181 Special Condition #6D OP

Description: Failure to conduct the Stage II vapor recovery daily inspection.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter S 106.433(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02181 Special Condition #22 OP

Description: Failure to properly seal three containers of a solvent that were left open in the unit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)
5C THSC Chapter 382 382.085(b)
O-02181 Special Condition #1A OP

Description: Failure to maintain continuous monitoring data in historian for the Alkyl Flare volumetric flow.

Date: 06/16/2008 (610615) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
5C THSC Chapter 382 382.085(b)

FOP No. O-2183 ST&C 12 OP
Permit No. 8125, SC 1 PERMIT

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

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 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
FOP O-2183 ST&C 12 OP

Permit No. 8125, SC 2B PERMIT
Description: RE failed to ensure that the cap on the gauge float well was kept air-tight with a bolt or fastener on three tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 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 No. O-2183, ST&C 12 OP
FOP No. O-2183, ST&C 1A OP
Permit No. 8125, SC 6 PERMIT
Description: RE had failed to seal 3 open-ended lines in VOC service.

Date: 06/17/2008 (636281) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #15 OP
Special Condition #1E PERMIT
Description: Failure to seal 20 open-ended lines in VOC service.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #15 OP
Special Condition #1F PERMIT
Description: Failure to monitor two valves in VOC service.

Date: 07/03/2008 (636094) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC #18 OP
SC #8E PERMIT
Special Condition (SC) #1A OP
Description: failure to seal twenty-five open ended lines in volatile organic compound service.
(Category C10)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC #1 PERMIT
SC #18 OP
Description: Failed to comply with the hourly emission limit of 1.65 lbs/hr for VOCs and 0.14 lbs/hr for 1,3 butadiene intermittently from January 6, 2009 (the date the bankruptcy petition was filed) to present. Specifically, emissions from Regeneration Vent, EPN 3E05, for Reactors R-309 A, R-309 B, and R-309 C, exceeded permitted limits as documented by the results of sampling conducted for six one-hour samples per reactor on December 11 through 12, 2005 and December 31, 2005 and an update provided on May 2
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(1)
5C THSC Chapter 382 382.085(b)
SC #18 OP
SC #1A OP

SC #8I PERMIT
 Description: failure to tag a leaking seal.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
 5C THSC Chapter 382 382.085(b)
 SC #1 OP
 SC #18 OP
 SC #8I PERMIT
 Description: Failure to make a first attempt for repair on two leaking components (Category C4 violation).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC #1A OP
 Description: failure to follow Reference Method 21 for twenty-five components

Date: 07/18/2008 (681438) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT
 Description: Failure to prevent an electrical power loss and the mechanical failure of a Process Safety Valve Bellow which resulted in flaring and a Process Safety Valve Bellow leak.

Date: 07/30/2008 (687221) CN600124705
 Self Report? NO Classification: Moderate
 Citation: #2933 S.C. 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to meet the affirmative defense for Incident #108500 regarding a pipe failure in D-4333.

Date: 08/01/2008 (681437) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT
 Description: Failure to prevent a hole in the first feed system line which resulted in a release of volatile organic compounds.

Date: 08/11/2008 (610620) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to collect flair HRVOC samples by the 10th hour after analyzer malfunction.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 8H PERMIT
 ST&C 10 OP
 Description: Failure to tag leaking component in VOC service.

Date: 08/11/2008 (637040)

CN600124705

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Conditions, No. 4A PERMIT
Special Terms and Conditions, No. 18 OP
Special Terms and Conditions, No. 1A OP

Description: Failure to control emissions of VOC from a process safety valve (PSV)
99PVRLS00 on MTBE Tank TK-19.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions, No. 1A OP

Description: Failure to keep the cover on a gauge float well air-tight with a bolt or fastener on
tank TK-37.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 6E PERMIT
Special Terms and Conditions, No. 18 OP
Special Terms and Conditions, No. 1H OP

Description: Failure to seal 15 open-ended valves or lines with a cap, blind flange, plug or a
second valve.

Date: 08/13/2008 (682388)

CN600124705

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Air Permit #2128, SC# 1 PA

Description: Equistar failed to prevent the seal leak from pump P-368B while adjusting the
pump shaft during the coupling of the motor to the pump.

Date: 08/27/2008 (638212)

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 Part 60, Subpart VV 60.482-6
5C THSC Chapter 382 382.085(b)
FOP O-02175 Special Condition 12 OP
Permit 6245, Special Condition 7H PERMIT

Description: Failure to cap open-ended lines.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(1)
5C THSC Chapter 382 382.085(b)
FOP No. O-02175, Special Conditions 12 OP
Permit No. 6245, Special Condition 7H PERMIT

Description: Failure to tag compressor seal.

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(c)(1)
5C THSC Chapter 382 382.085(b)
FOP No. O-02175, Special Condition 12 OP
Permit 6245, Special Condition 7H PERMIT

Description: Failure to monitor valves.

Date: 08/29/2008 (681367) CN600124705
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)

5C THSC Chapter 382 382.085(b)
FOP O-02174 STC 21 OP
NSR Permit 2933 SC 13E PA

Description: LB failed to seal open ended lines
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02174 STC 21 OP
NSR 2933 SC 10 PA

Description: Failure to continuously monitor the fuel gas.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2174 STC 21 OP
NSR 2933 SC 1 PA

Description: Failure to maintain hourly tank (Tk-48008 & Tk-4917) emissions within the MAERT.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit test notification within required time frame.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02174 STC 21 OP
NSR 2933 SC 1 PA

Description: Failure to maintain Tk-48304 emissions within the MAERT, due to operations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain furnace CO emissions within allowable limits.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
FOP O-2174 STC 1A OP

Description: Failure to install proper bolts on floating roof tanks
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain diesel engine CO emissions less than limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(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 TT 63.1004(a)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP O-02174 STC 1E OP
NSR 2933 SC 13F PA

Description: Failure to monitor valves in VOC/EMACT service
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)
5C THSC Chapter 382 382.085(b)
FOP O-2174 STC 21 OP

NSR 2933 SC 15 PA
NSR 2933 SC 16 PA

Description: Failure to monitor connectors in VOC service.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
FOP O-2174 STC 1A OP

Description: Failure to continuously record parameters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
5C THSC Chapter 382 382.085(b)
FOP O-2174 STC 1A OP
NSR 2933 SC 13 H PA

Description: Failure to tag leaking components

Date: 09/09/2008 (681362) CN600124705

Description: Failed to calibrate OP-1 GC Analyzer within specifications
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(I)
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain the OP-1 GC Analyzer downtime to less than 5%.
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)
FOP 1426 General Terms and Conditions OP

Description: Failed to report all instances of deviations.
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)
5C THSC Chapter 382 382.085(b)
FOP O-1426 STC 22 OP
NSR Permit 1768 SC 14E PA

Description: Failed to maintain a seal on open-ended lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain HRVOC emissions within 1,200 lbs/hr cap.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-1426 STC 22 OP
NSR Permit 1768 SC 10 PA

Description: Failed to continuously monitor the fuel gas.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit test report within 60 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)
5C THSC Chapter 382 382.085(b)

FOP O-1426 STC 1A OP
FOP O-1426 STC 22 OP
NSR Permit 1768 SC 14H PA
Description: Failed to tag a leaking component, upon discovery.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-1426 STC 22 OP

NSR Permit 1768 SC 5E PA
Description: Failed to install submerged fill pipe on storage tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.112(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(a)(2)(vi)
5C THSC Chapter 382 382.085(b)
FOP O-1426 STC 1A OP

Description: Failed to install float well gauge bolts.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit post RATA within 15 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.766(a)(6)
5C THSC Chapter 382 382.085(b)

Description: Failed to complete the HRVOC Corrective Action Plan.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.340(f)(1)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
5C THSC Chapter 382 382.085(b)

Description: Failed to perform Cylinder Gas Audit in accordance with audit specifications.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)
5C THSC Chapter 382 382.085(b)

Description: Failed to test diesel engine on a quarterly basis.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
FOP O-1426 STC 1A OP

Description: Failed to continuously record parameters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)
5C THSC Chapter 382 382.085(b)

Description: Failed to conduct Extra-Ordinary Efforts.

Date: 10/31/2008 (727385) CN600124705
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (705305) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
FOP O-2174 STC 1A OP
Description: Failure to install proper bolts on floating roof tanks

Date: 11/30/2008 (727386) CN600124705

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

Date: 12/05/2008 (707275) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Air Permit #1768, SC #1 PA

Description: Equistar failed to prevent the exchanger leak into Olefins 1 Cooling Tower which resulted in this emissions event.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Equistar failed to report the emissions event within 24 hours of discovery.

Date: 01/09/2009 (721591) CN600124705

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

Description: Equistar failed to prevent excess opacity during an abrasive transfer.

Date: 01/16/2009 (709781) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
NSR 49130, Special Condition 8A PERMIT
O-02180 Special Condition 11 OP

Description: Failure to maintain the IPOH flare above the minimum net heating value of 300 BTU/scf for four one-hour periods on 10/26/2007.

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)
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition 1(A) OP

Description: Failure to conduct monthly pump monitoring on 23 pumps in the MIPFG unit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
49130, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
O-02180 Special Condition 11 OP

Description: Failure to stay within their permitted emissions limits in the MAERT.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
O-02180, Special Condition 1(A) OP

Description: Failure to maintain the required bolt on the float well gauge on tank TK-3110, Unit ID MIPTK3310, and tank TK-2615, Unit ID MIPTK2615.

Date: 03/31/2009 (768262) CN600124705

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 04/28/2009 (737713) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)
Description: Equistar Chemicals LP (Equistar), Channelview Complex, failed to provide the permit number governing the facilities involved in the emissions event.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Equistar failed to prevent unauthorized emissions, by a leak due to improper installation, incorrect selection of the gasket, and the pre-existing piping misalignment in its PolyBD unit.

Date: 05/04/2009 (738986) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to utilize the proper analytical methods and techniques for total chlorine residual.

Date: 07/03/2009 (747361) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
No. 2933, Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions; specifically, Equistar failed to maintain fuel gas to Superheaters F-48001A/B resulting in a shutdown, causing the CPI Separator vent stream to route 48.5 pounds of unauthorized Volatile Organic Compounds (VOCs) to the atmosphere.

Date: 07/07/2009 (744818) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4C PERMIT
Special Terms and Conditions 1A OP
Special Terms and Conditions 22 OP
Description: Failure to maintain steam going to flare resulting in a smoking flare. (CATEGORY C4 violation)

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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1A OP
Description: Failure to conduct monthly pump monitoring on eleven (11) pumps. (CATEGORY C1 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)
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 7B OP
Description: Failure to maintain the run time meter on Unit ID EUTG1111. (CATEGORY C4 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.205(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 3Fi OP

Description: Failure to provide fire extinguisher training notifications to the TCEQ and the local pollution control agency (Harris County) from 03/14/2007 through 03/27/2008. (CATEGORY B3 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 22 OP

Description: Failure to close the lid on the part washer after use. (CATEGORY C4 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 report all deviations during the deviation reporting period. (CATEGORY C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 23 OP

Description: Failure to maintain emissions on Unit ID ZMSENAIS during usage. (CATEGORY B14 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 61.356(j)(7)
5C THSC Chapter 382 382.085(b)
Special Condition 4B PERMIT

Special Terms and Conditions 1A OP
Special Terms and Conditions 22 OP

Description: Failure to maintain flare pilot flame records. (CATEGORY C3 violation)

Self Report? NO Classification: Minor
Citation: 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 Terms and Conditions 1A OP

Description: Failure to maintain emissions on Unit ID ZMSENAIS during a quarterly stack test. (CATEGORY C4 violation)

Date: 08/06/2009 (747389) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11E PERMIT
Special Terms and Conditions 10 OP

Description: Failure to maintain lines resulting in open ended lines. (CATEGORY C10)

Date: 08/11/2009 (747513) CN600124705

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)
40 CFR Part 61, Subpart V 61.242-2(a)(1)
5C THSC Chapter 382 382.085(b)
O-02182, SC 1.A PERMIT

Description: failed to perform monthly pump monitoring on 45 pumps in the Benzene/Toluene Unit in February and March of 2008.

Self Report? NO Classification: Minor
Citation: 2936, SC 7E PERMIT
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)
O-02182, SC 1A PERMIT
O-02182, SC 15 PERMIT

Description: failed to equip two open ended lines (OELs) with a cap or valve

Date: 08/18/2009 (747005) CN600124705
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP #O-02179, ST & C #1A PERMIT
Description: Failure to maintain continuous fuel flow records for the Vapor Combustor. (C3)

Date: 08/19/2009 (764588) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Equistar failed to prevent the vent filter solenoid from malfunctioning, causing rupture disk (PSE-28098) to release an opacity of 100 (%) percent.

Date: 08/25/2009 (747519) CN600124705
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 63.163(b)(1)
5C THSC Chapter 382 382.085(b)
FOP #O-02184, ST & C#1A OP
Description: failure to perform monthly pump monitoring from February 29, 2008 through March 31, 2008. (Category C1 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
5C THSC Chapter 382 382.085(b)

FOP# O-02184, ST & C #18 OP
FOP# O-02184, ST & C #1A OP
NSR Permit No. 2128, SC#8I PA

Description: failed to re-monitor pump seal P-301A in a timely manner. (Category C1 violation)

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 THSC Chapter 382 382.085(b)
FOP# O-02184, SC#1A OP
FOP#O-02184, SC#18 OP
NSR 2128, SC#8I PA

Description: failed to calibrate the TVA monitoring instrument. (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 H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP# O-02184, ST & C #18 OP
FOP# O-02184, ST & C #1A OP
NSR Permit No. 2128, SC#8E PA

Description: failed to seal four open-ended lines in VOC service on November 27, 2007 through December 11, 2007, March 27, 2008, and June 4, 2008. (Category C10 violation)

Date: 08/31/2009 (747366) 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 VV 60.482-2(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 2(C) PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 12 OP
Description: failure to perform monthly pump monitoring. (Category B1 violation)

Date: 01/22/2010 (786477) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
No. 2933, Special Condition No. 21 PERMIT
Description: The F-3415 Heater emitted at a rate of 66.67% opacity averaged over a six-minute period.

Date: 02/02/2010 (784880) CN600124705
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
5C THSC Chapter 382 382.085(b)
Description: Failure to maintain records of the pilot flame for flare EUTFL1701V (CATEGORY C3 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4(D) PERMIT
Special Terms and Conditions 22 OP
Special Terms and Conditions 32 OP
Description: Failure to conduct the required annual calibration of the continuous flow monitoring system for flare EUTFL1701 and EUTFL607 (CATEGORY B1 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to conduct the required annual calibration of the continuous flow meter for the cooling tower heat exchange system ECUCT604 (CATEGORY B1 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1A OP
Description: Failure to record the operating time of stationary engine EUTENEOC with an elapsed run time meter (CATEGORY C3 Violation)

F. Environmental audits.

Notice of Intent Date: 07/26/2005 (453654)
Disclosure Date: 10/06/2005
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to update NOR.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
Description: Failure to classify waste prior to disposal.

Notice of Intent Date: 10/06/2005 (434934)
No DOV Associated

Notice of Intent Date: 112/23/2006 (534269)

No DOV Associated

Notice of Intent Date: 07/30/2007 (593548)

Disclosure Date: 10/05/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

Description: Failure to complete the 2006 annual Method 21 inspections for all regulated oil/water separators, tanks and closed vent systems.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

Description: Failure to conduct 2004, 2005 and 2006 annual Method 21 inspections for all regulated containers.

Notice of Intent Date: 08/16/2007 (593550)

No DOV Associated

Notice of Intent Date: 08/16/2007 (593554)

No DOV Associated

Notice of Intent Date: 10/02/2007 (595562)

Disclosure Date: 10/25/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172

Rqmt Prov: PERMIT Operating Permit O-2181

Description: Failed to comply with Method 21 for regulated HON group 1 wastewater closed vent systems.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.786
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-10
40 CFR Part 60, Subpart VV 60.482-4
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 60, Subpart VV 60.485
40 CFR Part 60, Subpart VV 60.487
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
40 CFR Part 61, Subpart V 61.242-4
40 CFR Part 61, Subpart V 61.242-7
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to always perform initial and periodic monitoring and there were instances where new or replaced components were not monitored.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.112
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-10
40 CFR Part 60, Subpart VV 60.482-4
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 60, Subpart VV 60.485

40 CFR Part 60, Subpart VV 60.487
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11
40 CFR Part 61, Subpart V 61.242-4
40 CFR Part 61, Subpart V 61.242-7
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to complete instances of first repair attempts and final repair attempts within the required timeframes.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-10
40 CFR Part 60, Subpart VV 60.482-4
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 60, Subpart VV 60.485
40 CFR Part 60, Subpart VV 60.487
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11
40 CFR Part 61, Subpart V 61.242-4
40 CFR Part 61, Subpart V 61.242-7
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to properly classify equipment leaks. According to the records reviewed there were instances where equipment leaks were classified as "Repair Delayed" without meeting the applicable Delay of Repair requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.356
30 TAC Chapter 115, SubChapter H 115.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-10
40 CFR Part 60, Subpart VV 60.482-4
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 60, Subpart VV 60.485
40 CFR Part 60, Subpart VV 60.487
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11
40 CFR Part 61, Subpart V 61.242-4

40 CFR Part 61, Subpart V 61.242-7
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to identify specific equipment for inclusion in the LDAR program and apply the appropriate regulatory applicability to each component in the LDAR database.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.356
30 TAC Chapter 115, SubChapter H 115.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-10
40 CFR Part 60, Subpart VV 60.482-4
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 60, Subpart VV 60.485
40 CFR Part 60, Subpart VV 60.487
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11
40 CFR Part 61, Subpart V 61.242-4
40 CFR Part 61, Subpart V 61.242-7
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181

Description: Failure to properly maintain records, specifically: Daily calibration records and LDAR records requiring stream composition data.

Notice of Intent Date: 10/04/2007 (598706)

Disclosure Date: 07/03/2008

Viol. Classification: Minor

Citation: 40 CFR Chapter 136, SubChapter D, PT 136 136.1(b)

Rqmt Prov: PERMIT TPDES0003531

Description: Internal chain-of custodies in the years 2006, 2007 and 2008 were missing required information.

Notice of Intent Date: 10/04/2007 (598710)

Disclosure Date: 07/03/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Operating Permit O-2181

Description: Failure to comply with Title V Operating Permit O-2181, Special Condition 31.

Notice of Intent Date: 01/04/2007 (598714)

No DOV Associated

Notice of Intent Date: 04/07/2008 (654966)
No DOV Associated

Notice of Intent Date: 06/18/2008 (688531)
No DOV Associated

Notice of Intent Date: 09/11/2009 (777743)
No DOV Associated

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

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

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

J. Early compliance.
N/A

Sites Outside of Texas
N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: EQUISTAR CHEMICALS LP CHANNELVIEW

Reg Entity Add: 8280 SHELDON RD.

Reg Entity No:

Reg Entity City: CHANNELVIEW

RN100542281

Customer Name: Equistar Chemicals

Customer No: CN600124705

EPA Case No: 06-2004-3409

Order Issue Date (yyyymmdd): 20080126

Case Result: Final Order with Penalty

Statute: CAA

Sect of Statute: 502

Classification: MODERATE

Program: NESHAPS

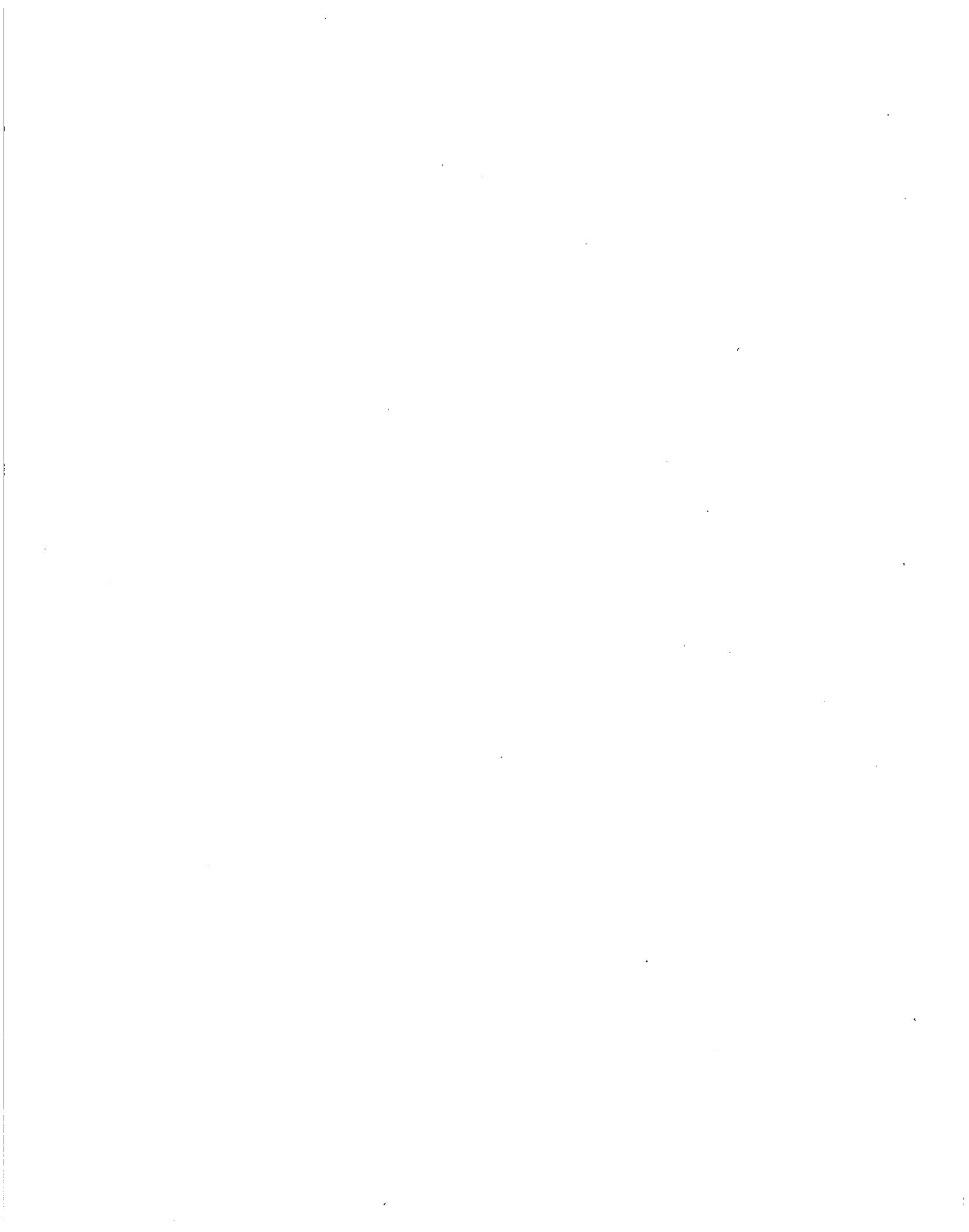
Citation:

Violation Type: Violation of NESHAP

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree/Court Order



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0243-IHW-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. 361 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 an organic chemical manufacturing at 8280 Sheldon Road Building 1 in Channelview, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
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 January 30, 2010.
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 Fifty-Three Thousand Three Hundred Eighty-One Dollars (\$53,381) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code in the U.S. Bankruptcy Court of the

Southern District of New York. The Respondent's Plan of Reorganization was confirmed by the Bankruptcy Court on or about April 23, 2010. At the time of the violations Alleged in Section II, the Respondent remained as a debtor in possession and no trustee or examiner had been appointed. The Automatic Stay imposed by the Federal Bankruptcy Code (specifically, 11 USC 362(a)) does not apply to the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power, by virtue of the exception set out at 11 USC § 362(b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 USC § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's Environmental Protection Laws, and in seeking to liquidate its damages for such violations. These violations having been incurred post-petition, pre-confirmation are entitled to be treated as an administrative expense priority for purpose of the claims hierarchy of payment from the bankruptcy estate. So long as the Debtors bankruptcy proceedings are pending and/or until relief from the automatic stay is granted, the TCEQ will, however not seek to execute upon any monetary judgment obtained without first approaching the United States Bankruptcy Court where the Debtor's bankruptcy case is pending as necessary, after consultation with the Office of the Attorney General. Ten Thousand Six Hundred Seventy-Six Dollars (\$10,676) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. Any deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty upon approval by the bankruptcy court.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has undertaken the following corrective action:
 - a. From September 23, 2009 through October 28, 2009, removed all process area storm water from tank numbers ("nos.") TK-2303A and TK-2310A and TK-2310B and routed it to the Facility's wastewater treatment facility for treatment and disposal; and
 - b. As of February 11, 2010, added waste streams 99111021, 99121142, 99131142, 9915119H, 99143061 and 99011021 and tank nos. TK-2303A and B and TK-2310A and B to the Facility's Notice of Registration ("NOR").
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent the accumulation of hazardous waste for more than 90 days without authorization, in violation of 30 TEX. ADMIN. CODE § 335.69(b) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.34(b), as documented during an investigation conducted on August 3, 2009. Specifically, analytical results dated March 31, 2005 indicated that stormwater in tank nos. TK-2303A, TK-2310A and TK-2310B, exceeded the toxicity characteristic for lead of 5.0 milligrams per liter. These tanks are part of the IPOH Unit which, according to the Respondent, was taken out-of service in the early 1990s. Per 40 CFR § 261.4(c), hazardous waste began accumulating in the tanks on March 31, 2005 and began exceeding the 90-day accumulation time limit on June 30, 2005.
2. Failed to prevent the unauthorized discharge of industrial solid waste adjacent to waters in the state and to perform closure of waste management facilities from which an unauthorized discharge has occurred, in violation of 30 TEX. ADMIN. CODE §§ 335.4 and 335.8(b) and 40 CFR § 265.197, as documented during an investigation conducted on August 3, 2009. Specifically, the investigator observed liquid leaking onto a concrete pad which served as secondary containment for tank nos. TK-2303A and B and TK-2310A and B. Analytical results submitted by the Respondent for sediment in the secondary containment and the ditch outside the containment area indicated elevated levels for lead.
3. Failed to update the Facility's NOR to accurately reflect waste management activities, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on August 3, 2009. Specifically, the following waste management activities needed to be added to the NOR: waste stream for wastewaters generated from the manufacturing process; waste streams for wastes stored in tanks nos. TK-2303A and B, and TK-2310A and B; and tanks nos. TK-2303A and B, and TK-2310A and B as waste management units.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent be assessed an administrative penalty as set forth in Section I, Paragraph 6 above. The assessment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. However, the agreement by the Respondent to the assessment of a penalty is expressly not in lieu of or an alternative to compliance with all injunctive requirements in this Agreed order. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments when paid shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2010-0243-IHW-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. Immediately upon the effective date of this Agreed Order, cease the unauthorized discharge of industrial solid waste from the IPOH Unit;
 - b. Within 30 days of the effective date of this Agreed Order, submit a schedule for closure of tank nos. TK-2303A and B and TK-2310A and B and surrounding containment area and adjacent ditch surrounding the containment area to:

Environmental Cleanup Section, MC 221
Remediation Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

with a copy to:

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

- c. Respond completely and adequately to any requests for information from the Environmental Cleanup Section to complete the closure of tank nos. TK-2303A and B and TK-2310A and B and surrounding containment area;

- d. Within 180 days after the effective date of this Agreed Order, complete closure of tank nos. TK-2303A and B and TK-2310A and B and surrounding containment area and adjacent ditch; and
- e. Within 195 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 Nos. 2.a. through 2.d. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

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

with a copy to:

Manager, Waste Section
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 Facility 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 Szolter
For the Executive Director

11/22/2010
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, is materially relying on such representation.

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

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

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

Michael VanderSnick
Signature

11/8/10
Date

Michael VanderSnick
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, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

