

Executive Summary – Enforcement Matter – Case No. 41627

Equistar Chemicals, LP

RN100210574

Docket No. 2011-0727-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Chemicals Chocolate Bayou Complex, located on Farm-to-Market Road 2917, 12 miles south of Alvin and 1.5 miles southeast of Liverpool, Brazoria County

Type of Operation:

Ethylene manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 9, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,550

Amount Deferred for Expedited Settlement: \$4,110

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$16,440

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41627
Equistar Chemicals, LP
RN100210574
Docket No. 2011-0727-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: April 8, 2011
Date(s) of NOE(s): May 4, 2011

Violation Information

1. Failed to submit the Permit Compliance Certification ("PCC") within 30 days from the end of the certification period. Specifically, the Respondent did not submit the PCC for the September 16, 2009 through September 15, 2010 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1287, General Terms and Conditions ("GTC"), and Special Terms and Conditions No. 18].
2. Failed to submit a semi-annual deviation report within 30 days from the end of the reporting period. Specifically, the Respondent did not submit the second semi-annual deviation report for the March 16, 2010 through September 15, 2010 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1287, GTC].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that, on May 20, 2011, the Respondent implemented a review of third party environmental reporting to insure that all periodic environmental reports prepared by third party contracts and environmental consultants are adequately submitted in a timely manner.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit the PCC report for the September 16, 2009 through September 15, 2010 reporting period for FOP No. O1287 to the TCEQ Houston Regional Office;
- b. Within 30 days, submit the semi-annual deviation report for the March 16, 2010 through September 15, 2010 reporting period for FOP No. O1287 to the TCEQ Houston Regional Office; and
- c. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A

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RN100210574
Docket No. 2011-0727-AIR-E

SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Daniel Pichette, Plant Manager, Equistar Chemicals, LP, P.O. Box 2917,
Alvin, Texas 77512
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-May-2011	Screening	12-May-2011	EPA Due	29-Jan-2012
	PCW	13-May-2011				

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

CASE INFORMATION			
Enf./Case ID No.	41627	No. of Violations	2
Docket No.	2011-0727-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **311.0%** Enhancement **Subtotals 2, 3, & 7** **\$15,550**

Notes: Enhancement for one consent decree and one court order with denial of liability, three orders with denial of liability, six orders without denial of liability, five NOVs with same/similar violations, and 18 NOVs with dissimilar violations. Reduction for ten Notices of Intent to conduct audits and for five Disclosures of Violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts \$33
 Approx. Cost of Compliance \$500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$20,550**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$20,550**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$20,550**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$4,110**

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 **\$16,440**

Screening Date 12-May-2011

Docket No. 2011-0727-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 41627

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210574

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	6	150%
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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	10	-10%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	5	-10%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 311%

>> **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 consent decree and one court order with denial of liability, three orders with denial of liability, six orders without denial of liability, five NOVs with same/similar violations, and 18 NOVs with dissimilar violations. Reduction for ten Notices of Intent to conduct audits and for five Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 311%

Screening Date 12-May-2011

Docket No. 2011-0727-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 41627

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210574

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. 01287, General Terms and Conditions ("GTC"), and Special Terms and Conditions No. 18

Violation Description Failed to submit the Permit Compliance Certification ("PCC") within 30 days from the end of the certification period. Specifically, the Respondent did not submit the PCC for the September 16, 2009 through September 15, 2010 reporting period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 209

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

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$10,275

This violation Final Assessed Penalty (adjusted for limits) \$10,275

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 41627
Reg. Ent. Reference No. RN100210574
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$500	15-Oct-2010	12-Feb-2012	1.33	\$33	n/a	\$33
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 for preparation and submittal of the PCC and semi-annual deviation reports. The Date Required is the date the reports were due and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$33

Screening Date 12-May-2011
Respondent Equistar Chemicals, LP
Case ID No. 41627
Reg. Ent. Reference No. RN100210574
Media [Statute] Air
Enf. Coordinator Heather Podlipny
Violation Number 2

Docket No. 2011-0727-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2006

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Tex. Health & Safety Code § 382.085(b), and FOP No. O1287, GTC

Violation Description Failed to submit a semi-annual deviation report within 30 days from the end of the reporting period. Specifically, the Respondent did not submit the second semi-annual deviation report for the March 16, 2010 through September 15, 2010 reporting period.

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			25%
100% of the rule requirement was not met.					

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 209 Number of violation days

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

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,275

This violation Final Assessed Penalty (adjusted for limits) \$10,275

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 41627
Reg. Ent. Reference No. RN100210574
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Costs are included in Violation 1.

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 \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator: CN600124705 Equistar Chemicals, LP Classification: AVERAGE Rating: 5.35

Regulated Entity: RN100210574 EQUISTAR CHEMICALS CHOCOLATE BAYOU COMPLEX Classification: AVERAGE Site Rating: 21.56

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL01131
AIR OPERATING PERMITS	PERMIT	1287
AIR OPERATING PERMITS	PERMIT	2260
AIR OPERATING PERMITS	PERMIT	2261
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD980627137
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	32212
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5060
AIR NEW SOURCE PERMITS	REGISTRATION	92741
AIR NEW SOURCE PERMITS	PERMIT	4634B
AIR NEW SOURCE PERMITS	PERMIT	18423
AIR NEW SOURCE PERMITS	PERMIT	18708
AIR NEW SOURCE PERMITS	PERMIT	19480
AIR NEW SOURCE PERMITS	PERMIT	20993
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL01131
AIR NEW SOURCE PERMITS	REGISTRATION	52392
AIR NEW SOURCE PERMITS	AFS NUM	4803900048
USED OIL	ID NUMBER	HOU00063
WATER LICENSING	LICENSE	0200493
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	32212
POLLUTION PREVENTION PLANNING	ID NUMBER	P00502
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL01131

Location: ON FARM-TO-MARKET ROAD 2917, 12 MILES SOUTH OF ALVIN, TEXAS AND 1.5 MILES SOUTHEAST OF LIVERPOOL

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 12, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 12, 2006 to May 12, 2011

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

Name: Heather Podlipny Phone: 239 - 2603

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/18/2006 ADMINORDER 2006-0495-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Air Permit #4634B, SC1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Permit No. 4634B PERMIT
Description: Failure to prevent an avoidable emission event.

Effective Date: 03/19/2007 ADMINORDER 2006-1066-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Conditions No. 1 PERMIT
Description: Failure to comply with permitted emission limits at the F Street Separator (EPN 316S2) and allowing unauthorized emissions at the F Street oily water sewer area. The emission event resulted from the backflow of VOC-laden wastewater from the F Street Separator sump into system piping

Effective Date: 06/29/2007 ADMINORDER 2006-1713-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Equistar failed to maintain an emission rate below the allowable emission limits.

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

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

Effective Date: 08/31/2007 ADMINORDER 2007-0039-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Air Permit No.19558, SC1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event that started on April 20, 2004. Since the emissions event was avoidable, not properly reported, and determined to be excessive, Equistar was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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

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

Effective Date: 09/21/2007 ADMINORDER 2007-0132-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: As evidenced by Findings of Fact No. 3, Equistar failed to prevent unauthorized emissions during an emissions event that started on October 31, 2005, in violation of Air Permit No. 4634B, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was determined to be excessive and avoidable, Equistar Chemicals, LP was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

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

Rqmt Prov: No 4634A PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Major

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Minor

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

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

Classification: Minor

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

Description: Failed to identify preconstruction authorization emissions limits.

Classification: Moderate

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

Rqmt Prov: 18423 S.C No.1 PERMIT

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)

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

Description: Failure to maintain the flare minimum heating value of 300 BTU/scf during the reactor regeneration periods in the Utilities Unit on October 6, & 29, November 26, December 22, & 28 of year 2003 and on January 28, February 9, and May 12, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)

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

Description: Failure to collect the monthly benzene wastewater samples at the waste stream exit point in June 2003, July 2003, and July 2004.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)(3)

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

Description: Failure to keep the records of time and duration of maintenance activity, during the certification period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(b)
Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
Description: Failure to conduct the quarterly visual inspection of oil-water separators with Identification Numbers 20S1 and 90S4.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Rqmt Prov: O-02259, General Terms & Conditions OP
Description: Failure to report some instances of deviations in the Utilities Unit in the report dated January 14, 2003.
Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.121
Description: Failure to represent the VOC's and benzene fugitives emissions from the Utilities Unit in the Title V operating permit No. O-02259.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247(b)(4)
Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
Description: Failure to include the total number of valves and pumps added to the fugitive monitoring program (revisions) in the semiannual report submitted on April 27, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(A)
30 TAC Chapter 106, SubChapter T 106.452(2)(D)
Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
Description: Failure to register the dry abrasive cleaning facility and also exceeded the abrasive material daily usage rate for 13 days. The abrasive material usage ranged from 1.5 tons to 2.3 tons.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter S 106.433(7)(A)
30 TAC Chapter 106, SubChapter S 106.433(9)
Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
Description: Failure to register the surface coating facility and also exceeded the limit of six lb/hr of VOC emissions, averaged over five hour period for four days during the certification period.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Rqmt Prov: 18423, General Condition No.1 PERMIT
O-02259, Special Terms&Conditions No.15 OP
Description: Failure to represent the emissions from the hydrocarbon rag layer for the storage tanks 316T5 and 316T6.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
Rqmt Prov: O-02260 STC 1.A OP
Description: Failure to monitor 59 valves in Volatile Hazardous Air Pollutant (VHAP) service in the Aromatics/Isoprene Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) part 60.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
Rqmt Prov: O-02260, S. C. 1A OP
Description: Failure to monitor 2 pumps in Volatile Hazardous Air Pollutant (VHAP) service in the Aromatics/Isoprene Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) part 60.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Rqmt Prov: O-02260, S.C. 1A OP
Description: Failure to cap or plug 46 open ended lines in the Aromatics/Isoprene Unit discovered between September 25, 2003 and February 26, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 19480, S. C. 1 PERMIT

O-02260, S. C. 20 OP

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

Classification: Moderate

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

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

Special Condition 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

Effective Date: 10/06/2008

ADMINORDER 2008-0564-AIR-E

Classification: Moderate

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

Rqmt Prov: Standard Permit Registration PERMIT

TCEQ Permit No. 4634B, SC #1 PERMIT

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

Effective Date: 02/07/2010

ADMINORDER 2007-1315-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 4634, SC #1 PERMIT

Description: The Respondent failed to prevent unauthorized emissions. The emission event (Incident No. 91678) began on May 25, 2007 and lasted 19 hours and 46 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an

affirmative defense was not met.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 4634B PERMIT

Description: The Respondent failed to prevent unauthorized emissions. The emissions event (Incident No. 89615) began on April 12, 2007 and lasted 33 hours and 45 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 19558, SC #1 PERMIT

Description: The Respondent failed to prevent unauthorized emissions. The emissions event (Incident 88288) began on March 13, 2007 and lasted two hours and 35 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 4634B, SC#1 PERMIT

Description: The Respondent failed to prevent unauthorized emissions. The emissions event (Incident 93586) began on June 30, 2007 and lasted 80 hours and 45 minutes. Since the emissions event was avoidable, the demonstration criteria in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense was not met.

Effective Date: 03/20/2010

ADMINORDER 2008-0080-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Standard Permit Registration No. 81006 PERMIT
TCEQ Permit No. 4634B, SC #1 PERMIT
TCEQ Permit No. 4634B, SC #10 PERMIT

Description: Failed to prevent unauthorized emissions and maintain a flame on the Olefins Main Flare during Incident No. 92246 on June 7, 2007.

Classification: Moderate

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

Rqmt Prov: Standard Permit Registration No. 81006 PERMIT
TCEQ Air Permit No. 4634B, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 99942 on November 13, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Permit Registration No. 81006 PERMIT
TCEQ Air Permit No. 4634B, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 101603 on December 20, 2007.

Effective Date: 08/09/2010

ADMINORDER 2009-0480-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent the unauthorized emissions. Specifically, 1,547.21 lbs of volatile organic compounds (VOCs) which include 94.68 lbs of 1,3-butadiene, 623.52 lbs of ethylene, 557.77 lbs of propylene, and 31.25 lbs of benzene were released to the atmosphere. The incident was caused by a pump failure.

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	11/29/2006	(274682)
2	01/10/2007	(455112)
3	06/23/2006	(457277)
4	05/23/2006	(463924)
5	05/30/2006	(466880)
6	06/14/2006	(480490)
7	08/04/2006	(482173)
8	06/30/2006	(483594)
9	06/29/2006	(484154)
10	08/16/2006	(484908)
11	08/18/2006	(487675)
12	09/11/2006	(490208)
13	03/09/2007	(497404)
14	03/09/2007	(497419)
15	09/01/2006	(497420)
16	09/29/2006	(508950)
17	10/19/2006	(511684)
18	10/31/2006	(516242)
19	11/16/2006	(517613)
20	12/05/2006	(518249)
21	07/21/2008	(518562)
22	04/05/2007	(532553)
23	05/10/2007	(532558)
24	05/10/2007	(532583)
25	03/06/2007	(532588)
26	02/14/2007	(532591)
27	02/05/2007	(533849)
28	02/22/2007	(539187)
29	05/14/2007	(540652)

30 04/11/2007 (555128)
31 05/14/2007 (557851)
32 07/11/2007 (559739)
33 05/31/2007 (559803)
34 06/28/2007 (560611)
35 06/29/2007 (560739)
36 07/27/2007 (562723)
37 07/27/2007 (562772)
38 07/27/2007 (562784)
39 08/10/2007 (562866)
40 07/30/2007 (562873)
41 08/10/2007 (562972)
42 08/10/2007 (563354)
43 10/03/2007 (564369)
44 10/03/2007 (564509)
45 08/13/2007 (565934)
46 07/26/2007 (567221)
47 10/18/2007 (569970)
48 08/09/2007 (570952)
49 10/19/2007 (571364)
50 08/29/2007 (571670)
51 01/04/2008 (571695)
52 10/12/2007 (571882)
53 10/15/2007 (571925)
54 10/15/2007 (571929)
55 10/15/2007 (572110)
56 11/16/2007 (572853)
57 08/29/2007 (573407)
58 09/28/2007 (596091)
59 10/16/2007 (597981)
60 11/28/2007 (599650)

61 11/16/2007 (608892)
62 03/31/2008 (610486)
63 12/07/2007 (610526)
64 01/07/2008 (610603)
65 05/05/2008 (610607)
66 01/24/2008 (610702)
67 01/28/2008 (613356)
68 03/04/2008 (613495)
69 01/30/2008 (613977)
70 02/29/2008 (615621)
71 04/03/2008 (617168)
72 04/03/2008 (618321)
73 02/27/2008 (618557)
74 04/25/2008 (636857)
75 05/06/2008 (638084)
76 05/06/2008 (638187)
77 05/06/2008 (638349)
78 05/06/2008 (638386)
79 03/27/2008 (638802)
80 05/12/2008 (654201)
81 05/21/2008 (671318)
82 05/22/2008 (671635)
83 10/20/2008 (680215)
84 10/22/2008 (681913)
85 10/27/2008 (681915)
86 10/22/2008 (683722)
87 06/25/2008 (683945)
88 07/02/2008 (683958)
89 06/30/2008 (684342)
90 09/23/2008 (686970)
91 10/27/2008 (689395)

92 12/17/2008 (700377)
93 12/17/2008 (700554)
94 12/17/2008 (700684)
95 02/25/2009 (721086)
96 05/07/2009 (721108)
97 03/31/2009 (721110)
98 02/23/2009 (721200)
99 04/02/2009 (721239)
100 01/23/2009 (723362)
101 03/23/2009 (724081)
102 02/12/2009 (725603)
103 04/28/2008 (725876)
104 04/06/2009 (735984)
105 04/13/2009 (737599)
106 07/21/2009 (740037)
107 06/26/2009 (741226)
108 06/26/2009 (741229)
109 06/15/2009 (741840)
110 05/04/2009 (742009)
111 05/14/2009 (742336)
112 05/14/2009 (742369)
113 05/15/2009 (742614)
114 06/29/2009 (744640)
115 06/26/2009 (744650)
116 07/16/2009 (747717)
117 09/28/2009 (747907)
118 07/16/2009 (748015)
119 06/08/2009 (748045)
120 07/22/2009 (748331)
121 07/21/2009 (749074)
122 10/09/2009 (749318)

123 06/18/2009 (749690)
124 08/14/2009 (749838)
125 07/10/2009 (761443)
126 07/09/2009 (761445)
127 09/03/2009 (761484)
128 07/24/2009 (763376)
129 09/24/2009 (764071)
130 09/30/2009 (764332)
131 10/29/2009 (776679)
132 11/02/2009 (780705)
133 04/06/2010 (784838)
134 01/30/2010 (784852)
135 04/07/2010 (784853)
136 04/06/2010 (784855)
137 02/12/2010 (784857)
138 04/13/2010 (793346)
139 04/08/2010 (796546)
140 03/29/2010 (796615)
141 05/10/2010 (798950)
142 05/20/2010 (801529)
143 06/09/2010 (802742)
144 10/11/2010 (850016)
145 12/07/2010 (876888)
146 03/23/2011 (879380)
147 05/04/2011 (899944)
148 03/08/2011 (900033)
149 03/23/2011 (906242)
150 04/13/2011 (912626)

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

Date: 06/23/2006 (457277)
Self Report? NO

CN600124705

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A and 14 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A and 14 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A and 14 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A and 14 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to identify and monitor 31 valves, 54 connectors, and one pump for fugitive emissions between March 25, 2005 and April 28, 2005 in the fugitive area FOLEFINS.

Self Report? NO Classification: Minor

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

Description: Equistar failed to submit a copy of the relative accuracy test audit (RATA) test reports for Furnaces 91H1-1, 91H1-3, 91H1-7, and 91H1-8 to the Office of Compliance and Enforcement.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Title V O-01287, SC 1A OP

Description: Equistar failed to continuously operate predictive emissions monitoring system (PEMS) to monitor NOx on five occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)(5)(C)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-1287, SC 1A OP

Description: Equistar failed to perform the required annual PEMS testing on Furnace 91H1-5 within the annual time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to submit written notifications of RATA tests for Furnaces 91H1-2, 91H1-5, and 91H1-6 within the required time frame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to make a first attempt to repair leaks no later than one business day and to repair the leaks no later than seven calendar days after the leaks were detected over 10,000 ppmv for fourteen leaking components.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19E PERMIT
Title V O-01287, SC 1A, 1D, and 14 OP

Description: Equistar failed to equip five open-ended lines with plugs/caps.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR 4634B, SC 19H PERMIT
Title V O-01287, SC 1A and 14 OP

Description: Equistar failed to repair the leak within the required time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 14 OP

Description: Equistar failed to submit a Permit by Rule (PBR) application within ten days of the modification to the main flare (319Z4).

Date: 09/11/2006 (490208) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Permit No. 4634B PERMIT

Description: Failure to close a bypass valve which allowed dimethyl sulfide to be routed to the flare.

Date: 10/31/2006 (516242) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit No. 19558, SC #1 PERMIT

Description: Equistar failed to prevent a PSV from lifting during a process transfer.

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

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

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

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

Date: 04/06/2007 (532553) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01287, SC 1A OP
 Description: Failure to comply with the operational restrictions identified in 30 TAC 117.206 for diesel engines.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01287, SC 1A OP
 Description: Failure to submit a semiannual NOx Monitoring System Performance report by the 30th day following the end of calendar semiannual period.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01287, SC 1A OP
 Permit 4634B, SC 19E PERMIT
 Description: Failure to plug/cap all open ended lines.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01287, SC 1A OP
 Description: Failure to observe operational and emissions testing requirements for the diesel engines.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01287, SC 1A OP

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

Date: 05/08/2007 (532583) CN600124705
Self Report? NO Classification: Minor

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

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

Date: 05/10/2007 (532558) CN600124705
Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02260, SC 1A OP
Permit 19480, SC 4H, 4I PERMIT

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

Date: 05/17/2007 (557851) CN600124705
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ AIR NSR Permit #19480, SC#1 PA

Description: Equistar failed to close a PSV bypass valve prior to a startup.

Date: 04/01/2008 (610486) CN600124705
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP
FOP O-02260 SC 20 OP
NSR 19480 SC 10A PA
NSR 19558 SC 9 PA

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP
FOP O-02260 SC 20 OP
NSR 19480 SC 4E PA

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

Self Report? NO Classification: Moderate

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

40 CFR Part 63, Subpart G 63.119(c)(2)(v)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP

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

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

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

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

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

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

Description: Equistar failed to maintain identification records of fugitive components. One deviation occurred when 505 valves and 795 connectors that are located downstream of the equipment leading to the flare header were excluded from identification and recordkeeping from October 23, 2006 to April 5, 2007. The other deviation was caused by a software malfunction which resulted in 5 valves not being monitored during the second quarter of 2007. (FOP O-02260)

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

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

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

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

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

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

Date: 05/05/2008 (610607)

CN600124705

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

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

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

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

Description: Failure to attempt repair or isolate a leak with 15 calendar days.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02259, SC#1A OP

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

Date: 05/21/2008 (671318) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Equistar failed to properly maintain the furnace box.

Date: 05/23/2008 (671635) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 TCEQ Air Permit No. 19480, SC #1 PERMIT
 Description: Equistar failed to prevent a fire in the distillation column.

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

Date: 04/02/2009 (721239) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Conditions 17 OP
 Special Terms and Conditions 1A OP
 Description: Failure to maintain CO emissions below 400 ppm and below the permit limit of
 83.90 lb/hr. [Category B18 violation]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(f)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions 1A OP
 Special Terms and Conditions 1O(iii) OP
 Description: Failure to maintain a calorimeter to determine the net heating value of gas sent to
 the sour gas flare. [CATEGORY B1 violation]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)
5C THSC Chapter 382 382.085(b)
Special Condition 7C PERMIT
Special Terms and Conditions 17 OP
Special Terms and Conditions 1A OP

Description: Failure to sample the wet air oxidation treatment unit effluent during operation in December 2007. [Category C1 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 8E PERMIT
Special Terms and Conditions 17 OP
Special Terms and Conditions 1A OP
Special Terms and Conditions 1F OP
Special Terms and Conditions 10(v) OP

Description: Failure to properly cap or plug open-ended lines. [Category C10 Violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 17 OP

Description: Failure to maintain annual emissions of NOx and CO below the permitted limit for the main flare (EPN 319Z4). [Category B18 Violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.112a(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(v)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1A OP
Special Terms and Conditions 4 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 17I PERMIT
Special Terms and Conditions 17 OP
Special Terms and Conditions 1A OP

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

Date: 05/08/2009 (721108) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
5C THSC Chapter 382 382.085(b)
NSR 19480 Special Condition 10A PERMIT
NSR 19480 Special Condition 2 PERMIT
NSR 19480 Special Condition 3 PERMIT
OP O-02260 Special Term & Condition 1 OP
OP O-02260 Special Term & Condition 14 OP
OP O-02260 Special Term & Condition 23 OP

Description: Failure to maintain the allowable minimum BTU/scf limit for flares. (CATEGORY B18 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 19558 Special Condition 7 PERMIT
OP O-02260 Special Term & Condition 23 OP

Description: Failure to maintain the allowable average flow rate through the cooling tower.
(CATEGORY B18 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 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THSC Chapter 382 382.085(b)
NSR 19480 Special Condition 2 PERMIT
OP O-02260 Special Term & Condition 23 OP

Description: Failure to monitor pumps for leak detection. (CATEGORY C3 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)
5C THSC Chapter 382 382.085(b)
NSR 4634B Special Condition 17E PERMIT
NSR 4634B Special Condition 8C PERMIT
OP O-02260 Special Term & Condition 23 OP
OP O-2260 Special Term & Condition 1F OP

Description: Failure to prevent an open ended line on a drain valve. (CATEGORY C10 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP O-02260 General Terms & Conditions OP
OP O-02260 Special Term & Condition 4 OP

Description: Failure to maintain flare flame and pilot for control device. (CATEGORY B18 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
5C THSC Chapter 382 382.085(b)
NSR 19480 Special Condition 2 PERMIT
OP O-02260 Special Term & Condition 23 OP

Description: Failure to monitor 65 valves for leak detection. (CATEGORY C1 Violation)

Date: 06/05/2009 (741840) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(7)(A)
5C THSC Chapter 382 382.085(b)

Description: Equistar failed to meet the affirmative defense due to late reporting.

Date: 04/06/2010 (784855) CN600124705

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(f)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain continuous monitoring data for the Hydrocarbon Flare (EPN 318Z3) during the period from 20:15 to 22:45 on November 30, 2008 and during the period from 16:00 on June 30, 2009 to 12:00 on July 1, 2009. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to meet control requirements for floating roof storage tanks (EPNs: 320T823-1, 320T823-2, and 320T824) (CATEGORY C4 violation).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(e)(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain control device requirements for the Hydrocarbon Flare (EPN 318Z3) (CATEGORY C4 violation).

Date: 04/06/2010 (784838)

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 Ka 60.113a(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
FOP #O-01287, Special Terms & Cond. 17. OP
NSR #4634B, Special Condition 2.B. PA

Description: Failure to provide pre-notification to the TCEQ thirty (30) days in advance of a primary roof seal inspection for an external floating roof tank (320T912) in 2008.

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 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP #O-01287, Special Terms & Cond. 17. OP
NSR Permit #4634B, Special Condition 3.C PA

Description: Failure to perform required monitoring of a temporary closed vent system from Tank 90T19 to the thermal oxidizer during a tank cleaning operation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP #O-01287, Special Terms & Cond 17. OP

Description: Failure to maintain a minimum net heating value of 300 BTU/scf in the fuel gas/vents feed to the Main Flare (EPN# 319Z4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
FOP #O-01287, Special Terms & Cond. 17. OP
NSR #4634B, Special Condition 10.E. PA

Description: Failure to seal open-ended lines containing volatile organic compounds (VOCs) and highly reactive volatile organic compounds (HRVOCs) as required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
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-01287, Special Terms & Cond. 17. OP
NSR #4634B, Special Condition 10.I. PA

Description: Failure to repair leaking components subject to LDAR requirements within fifteen (15) days.

Date: 04/07/2010 (784853)

CN600124705

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)
5C THSC Chapter 382 382.085(b)
FOP #O-02260, ST&C 23 OP
NSR #19480, SC 4F PA

Description: Failure to perform monitoring of a component in VOC service following repair as required under the site's LDAR program.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.112a(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(v)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(4)
5C THSC Chapter 382 382.085(b)
NSR #19480, Special Conditions 3 PA
NSR #4634B, Special Conditions 2B PA

Description: Failure to maintain control requirements for floating roof tanks containing volatile organic compounds (VOCs).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP #O-02260, ST&C 1A and 23 OP
NSR #19480, SC 10A PA

Description: Failure to maintain a minimum net heating value of 300 BTU/scf in the fuel gas/vents feed to a flare (EPN #318Z3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP #O-02260, ST&C 23 OP
NSR #19480, SC 4E PA

Description: Failure to seal open-ended lines (Tag #93256) containing volatile organic compounds (VOCs).

Date: 03/24/2011 (879380) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
ST&C 15 OP

Description: Failure to submit the Part 1 form for FOP O-02261 with the PCC packet. (Category A8.c.1E)

F. Environmental audits.

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

No DOV Associated

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

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.132
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)

Description: The list of BWON wastes was not complete. Waste not in the TAB report: 86T8 Hydrotreater drain tank; 94T18 caustic drain tank; 93T12 cracked gas compressor decontam vessel; 92T7 Quench oil decontam drain tank; 92T8 Quench water decontam drain tank; 23T24 solvent sump tank; 23T10/23T27 solvent recovery tank; 94S4 spent caustic; 94S4 Wash oil; 90T19 olefins unit slop oil; TTEG blowdown to 20S1; Drainings such as instrumentation blowdowns, sight glasses, samples; cooling tower blowdown; lab samples

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)

Description: A records review at the site was conducted to assess the quantity of benzene in waste streams that contribute towards the 2 Mg exemption limit. Beginning in April 2008, the site conducted quarterly "end of line" sampling to monitor the BWON waste streams discharged to the uncontrolled sewer against the 2 Mg exemption limit. "End of Line" sampling has indicated that the 2 Megagram exemption limit was exceeded

for reporting year 2008.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)

Description: Each off-site waste shipment did not include the required notification. The information in the waste profile did not accompany each shipment.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.132
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Not all fixed-roof tanks were properly included in the BWON controlled waste management system including: 25T9-1; 25T9-2; 94T18; 93T12; 92T7 92T8 92T9; 25T10; 94T20; V1060, 23T10, 23T27.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.132
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)

Description: All the emission monitoring and visual inspections for some containers required to be included in the controlled waste management system have not been performed, including: vacuum trucks, laboratory samples containers, pilot plant containers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.132
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Not all drain system components were properly included in the BWON controlled waste management system, including 23T24.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.132
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(5)

Description: Not all monitoring, inspections, and recordkeeping were performed, such as for the thermal oxidizer receiving vents from Tank V1060, Boilers 391H1 and 391H2.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)

Description: The benzene quantities of certain waste streams calculated for the TAB were not accurate, including the characterization of organic phase.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)

Description: The benzene concentration for some waste streams were not properly flow-weighted.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)

Description: The organic phase was not properly incorporated into the characterization of some multiple-phase wastes.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: There were minor discrepancies between field-generated off-site waste characterization and some TAB entries.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Some waste shipments off-site have not been accompanied by the required BWON notice.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)

Description: As a result of incomplete records, unable to verify if corrective actions responding to visual inspections and instrument monitoring results were performed in all cases.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)

Description: A summary of monitoring during which detectable emissions were measured was omitted from annual report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(e)

Description: Records retention policy precludes on-site confirmation that notifications to EPA regarding alternative provisions for tanks (Subpart Kb) were submitted.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(f)

Description: Some Subpart Kb deviation reports were not included in the annual benzene report.

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

No DOV Associated

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

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT O-1287
PERMIT O-2259
PERMIT O-2261
PERMIT O-2643

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

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

Disclosure Date: 07/01/2008

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(d)
30 TAC Chapter 335, SubChapter R 335.510(b)(3)
30 TAC Chapter 335, SubChapter R 335.511(a)
30 TAC Chapter 335, SubChapter R 335.513(c)

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

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failure to maintain a complete emergency response plan.

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

No DOV Associated

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

Disclosure Date: 02/28/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.786(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Description: Failure to monitor several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.786(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Description: Failure to monitor several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Disclosure Date: 10/09/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.786(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Description: Failure to monitor several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Disclosure Date: 01/08/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to identify several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.786(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain records for several pieces of equipment in VOC or VHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to locate 13 daily instrument calibration and 5 precision calibration records for the years 2006 and 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Description: Failure to monitor several components and pieces of equipment in VOC and VHAP service, Isoprene, Olefins, Aromatics, MTBE and Butadiene Units.

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

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 04/02/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)(B)

Description: "End of Line" sampling has indicated that the 2 Megagram exemption limit was exceeded for reporting year 2008.

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 CHOCOLATE BAYOU POLYMER

Reg Entity Add: 2 MILE WEST FM 2917 **Reg Entity No:**

Reg Entity City: ALVIN **RN100210574**

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:** RCRA **Sect of Statute:** 3005

Classification: MAJOR **Program:** RCRA **Citation:**

Violation Type: Discharge/Emission/Activity
w/out Permit **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
RN100210574**

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

**AGREED ORDER
DOCKET NO. 2011-0727-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates an ethylene manufacturing plant located on Farm-to-Market Road 2917, 12 miles south of Alvin and 1.5 miles southeast of Liverpool, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 9, 2011.
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 Twenty Thousand Five Hundred Fifty Dollars (\$20,550) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Sixteen Thousand Four Hundred Forty Dollars (\$16,440) of the administrative penalty and Four Thousand One Hundred Ten Dollars (\$4,110) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that, on May 20, 2011, the Respondent implemented a review of third party environmental reporting to insure that all periodic environmental reports prepared by third party contracts and environmental consultants are adequately submitted in a timely manner.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit the Permit Compliance Certification ("PCC") within 30 days from the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1287, General Terms and Conditions ("GTC"), and Special Terms and Conditions No. 18, as documented during an investigation conducted on April 8, 2011. Specifically, the Respondent did not submit the PCC for the September 16, 2009 through September 15, 2010 reporting period.
2. Failed to submit a semi-annual deviation report within 30 days from the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1287, GTC, as documented during an investigation conducted on April 8, 2011. Specifically, the Respondent did not

submit the second semi-annual deviation report for the March 16, 2010 through September 15, 2010 reporting period.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2011-0727-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit the PCC report for the September 16, 2009 through September 15, 2010 reporting period for FOP No. O1287 to the TCEQ Houston Regional Office, at the address provided in Ordering Provision No. 2.c.;
 - b. Within 30 days after the effective date of this Agreed Order, submit the semi-annual deviation report for the March 16, 2010 through September 15, 2010 reporting period for FOP No. O1287 to the TCEQ Houston Regional Office, at the address provided in Ordering Provision No. 2.c.; and
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

Certified Mail
Return Receipt Requested

7005 1160 0002 6620 6194

For the Commission



For the Executive Director

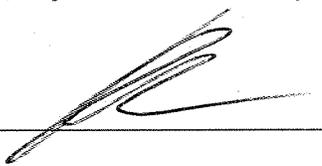
9/12/11
Date

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

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

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

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


Signature

AUG 1/2011
Date

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

PLANT MANAGER
Title

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