

**CAPTION: Docket No. 2010-1794-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)**

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1794-AIR-E **TCEQ ID:** RN100210319 **CASE NO.:** 40641  
**RESPONDENT NAME:** Equistar Chemicals, LP

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Industrial polyethylene manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three pending enforcement actions, Docket No. 2010-0328-AIR-E, 2010-0591-AIR-E, and 2011-0198-AIR-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 11, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, Air Enforcement Section, MC R-12, (713) 767-3629; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Michael Wagner, Principal Environmental Engineer, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571  Ms. Courtney Ruth, Site Manager, La Porte, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> August 23, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 11, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failed to prevent unauthorized emissions. Specifically, 640 pounds ("lbs") of ethylene and 5.2 lbs of propylene were released when the Respondent failed to prevent the malfunction of the thermocouples on the High Pressure Separator ("HPS") during maintenance, causing the reactor to vent to the atmosphere, resulting in an emissions event (Incident No. 143540) which began on August 23, 2010, and lasted for five minutes. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 4477, Special Conditions No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$2,000  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$4,000</p> <p><b>Total Paid to General Revenue:</b> \$4,000</p> <p><b>Compliance History Classification:</b>                      Person/CN – Average                      Site/RN – Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on October 28, 2010, the Respondent updated the operating procedure being used to depressurize the Reactor and the HPS when performing maintenance on the process side of the HPS, in order to prevent the recurrence of an emissions event from same or similar causes as Incident No. 143540.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

Additional ID No(s): Air Account No. HGO770G

Attachment A  
Docket Number: 2010-1794-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** Equistar Chemicals, LP

**Payable Penalty Amount:** Eight Thousand Dollars (\$8,000)

**SEP Amount:** Four Thousand Dollars (\$4,000)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

**Location of SEP:** Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	18-Oct-2010	<b>Screening</b>	25-Oct-2010	<b>EPA Due</b>	
	<b>PCW</b>	28-Oct-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Equistar Chemicals, LP
<b>Reg. Ent. Ref. No.</b>	RN100210319
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	40641	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2010-1794-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed	
		<b>EC's Team</b>	Enforcement Team 5	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **401.0%** Enhancement **Subtotals 2, 3, & 7** **\$10,025**

Notes: Enhancement for six orders with denial of liability, four orders without denial of liability, one court order with denial of liability, one EPA consent decree with denial of liability, 23 same/similar NOVs and 11 dissimilar NOVs. Reduction for ten Notices of Audit and three 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** **\$250**

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

Total EB Amounts \$3  
Approx. Cost of Compliance \$300  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$12,275**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$12,275**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$10,000**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$2,000**

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** **\$8,000**

Screening Date 25-Oct-2010

Docket No. 2010-1794-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 40641

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Nadia Hameed

### 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> )	23	115%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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> )	3	-6%
<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)** 401%

>> 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 six orders with denial of liability, four orders without denial of liability, one court order with denial of liability, one EPA consent decree with denial of liability, 23 same/similar NOVs and 11 dissimilar NOVs. Reduction for ten Notices of Audit and three Disclosures of Violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 401%

Screening Date 25-Oct-2010

Docket No. 2010-1794-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 40641

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 4477, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 640 pounds ("lbs") of ethylene and 5.2 lbs of propylene were released when the Respondent failed to prevent the malfunction of the thermocouples on the High Pressure Separator ("HPS") during maintenance, causing the reactor to vent to the atmosphere, resulting in an emissions event (Incident No. 143540) which began on August 23, 2010, and lasted for five minutes. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes

The Respondent completed the corrective actions on October 28, 2010, after the October 11, 2010, NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$12,275

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 40641  
**Reg. Ent. Reference No.** RN100210319  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$300	23-Aug-2010	28-Oct-2010	0.18	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost for updating the operating procedure to depressurize the reactor and the HPS when performing maintenance on the process side of the HPS. The date required is based on the start date of the violation. The final date is the date the corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300	<b>TOTAL</b>	\$3
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN600124705 Equistar Chemicals, LP Classification: AVERAG Rating: 5.35  
 Regulated Entity: RN100210319 EQUISTAR CHEMICALS LA PORTE Classification: AVERAGE Site Rating: 19.67  
 COMPLEX

HG0770G

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	
AIR OPERATING PERMITS	PERMIT	1606
AIR OPERATING PERMITS	PERMIT	2223
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000025809
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	85436
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50383
WASTEWATER	PERMIT	WQ0004013000
WASTEWATER	EPA ID	TX0119792
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012680
AIR NEW SOURCE PERMITS	PERMIT	19109
AIR NEW SOURCE PERMITS	PERMIT	4477
AIR NEW SOURCE PERMITS	PERMIT	5226
AIR NEW SOURCE PERMITS	PERMIT	5836
AIR NEW SOURCE PERMITS	PERMIT	18978
AIR NEW SOURCE PERMITS	PERMIT	22043
AIR NEW SOURCE PERMITS	REGISTRATION	38605
AIR NEW SOURCE PERMITS	REGISTRATION	40078
AIR NEW SOURCE PERMITS	REGISTRATION	42401
AIR NEW SOURCE PERMITS	REGISTRATION	43676
AIR NEW SOURCE PERMITS	REGISTRATION	45099
AIR NEW SOURCE PERMITS	REGISTRATION	46127
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0770G
AIR NEW SOURCE PERMITS	AFS NUM	4820100055
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752
AIR NEW SOURCE PERMITS	EPA ID	PSDTX818
AIR NEW SOURCE PERMITS	REGISTRATION	42349
AIR NEW SOURCE PERMITS	REGISTRATION	70535
AIR NEW SOURCE PERMITS	PERMIT	49122
AIR NEW SOURCE PERMITS	REGISTRATION	53934
AIR NEW SOURCE PERMITS	REGISTRATION	53387
AIR NEW SOURCE PERMITS	REGISTRATION	74666
AIR NEW SOURCE PERMITS	REGISTRATION	76465
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M3
AIR NEW SOURCE PERMITS	REGISTRATION	77716

AIR NEW SOURCE PERMITS	REGISTRATION	77957
AIR NEW SOURCE PERMITS	REGISTRATION	79239
AIR NEW SOURCE PERMITS	PERMIT	83822
AIR NEW SOURCE PERMITS	REGISTRATION	51737
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M2
AIR NEW SOURCE PERMITS	REGISTRATION	86948
AIR NEW SOURCE PERMITS	REGISTRATION	91251
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1122
AIR NEW SOURCE PERMITS	REGISTRATION	83481
AIR NEW SOURCE PERMITS	EPA ID	N74
AIR NEW SOURCE PERMITS	REGISTRATION	89879
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M1
AIR NEW SOURCE PERMITS	REGISTRATION	90257
WATER LICENSING	LICENSE	1012680
STORMWATER	PERMIT	TXR05N516
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	50383
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	85436
IHW CORRECTIVE ACTION	PERMIT	50383
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0770G

Location: 1515 MILLER CUT OFF RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 21, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 21, 2005 to October 21, 2010

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

Name: Nadia Hameed Phone: (713) 767-3629

### 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: 12/02/2006**

**ADMINORDER 2006-0295-AIR-E**

Classification: Moderate

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

Rqmt Prov: No.18978, Special Condition No. 1 PERMIT

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

**Effective Date: 08/10/2007**

**ADMINORDER 2006-1232-AIR-E**

Classification: Moderate

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

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

Rqmt Prov: No. 18978, Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit No. 4477, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

30 TAC Chapter 101, SubChapter F 101.201(b)

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

Description: Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006.

Classification: Moderate

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

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

Rqmt Prov: No. 18978, Special Condition. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Rqmt Prov: no # 4477 SP #1 PERMIT

Description: Failed to prevent unauthorized emissions.

**Effective Date: 08/10/2007**

**ADMINORDER 2006-1932-AIR-E**

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit #4477, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions and meet the highly reactive volatile organic compounds ("HRVOC") hourly cap.

Classification: Moderate

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

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

Rqmt Prov: # 18978 Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

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 #4477, SC#1 PA

Description: Failure to prevent unauthorized emissions of ethylene from PSV V4202RV1 to the atmosphere.

**Effective Date: 02/25/2008**

**ADMINORDER 2007-0519-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit #18978 PA  
Special Condition 1 PERMIT  
Description: failed to prevent unauthorized emissions  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit #18978, Special Condition 1 PA  
Special condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit #4477, Special Condition #1 PA  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit #4477, Special Condition #1 PA  
Description: Failed to prevent unauthorized emissions.

**Effective Date: 04/03/2008 ADMINORDER 2007-0938-AIR-E**

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: SC No.1 PERMIT  
TCEQ AIR PERMIT #18978, SC1 PERMIT  
Description: Equistar failed to control unauthorized emissions on December 13, 2005.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit #4477, Special Condition #1 PA  
Description: Failed to control unauthorized emissions on March 4, 2006

**Effective Date: 07/03/2008 ADMINORDER 2007-1715-AIR-E**

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit #18978, Special Condition #1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit #18978, Special Condition #1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to report Incident No. 96455 within 24 hours after discovery.

**Effective Date: 10/01/2008 COURTOORDER**

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit #4477, SC #1 PA  
Description: Equistar exceeded the VOC permit limit during an avoidable emissions event.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 1,016.5 lbs of the HRVOC and HAP ethylene from a hole in a pipe in the AB3 LDPU on October 28, 2003 that lasted 2 hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ AIR Permit No. 4477 PA

Description: Failed to prevent unauthorized emissions of 6,316 lbs of the HRVOCs and HAPs ethylene and propylene and 354 lbs of particulate matter (PM) from the reactor vents in AB3 LDPU and 80.69 lbs of the HRVOCs and HAPs ethylene and propylene from EPN L3FLARE, in the AB3 LDPU on February 9, 2004 that lasted 2 hours and 17 minut

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC# 1 PA

Description: Failed to prevent unauthorized emissions of 10,666 lbs of VOCs, which included the HRVOC butene and the HRVOCs and HAPs 1,3-butadiene and ethylene, 17,363 lbs of CO, and 3,184.60 lbs of NOx from EPN QE8050B in the QE1 Olefins Unit on May 28, 2004 that lasted 9 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 5 PERMIT

Description: Failure to monitor 4,041 valves in VOC service using Method 21.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to monitor 3882 valves in VOC service using Method 21.

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to monitor 2,476 connectors in VOC service in the olefins unit using 40 Code of Federal Regulations (CFR) part 60, Method 21.

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

SC No. 5 PERMIT

Description: Failure to cap or plug 48 open ended lines in the olefins unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 5 PERMIT

Description: Failure to maintain the main flare minimum heating value of 300 BTU/scf during the propylene dryer regeneration periods in the olefins unit on sixteen occasions.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report some instances of deviations (CEMS down times, semiannual reporting,

regeneration periods, and fugitive monitoring deviations) in the olefins unit in the report dated December 15, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit the semiannual reports regarding continuous emissions monitoring system (CEMS) down times in the olefins unit for the year 2003.

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnace (EPN: QE1009B) in the olefins unit below 0.035 lb/MMBTU for more than 4% of the operating time for two consecutive quarterly reporting periods (Second and Third quarter of 2003).

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1008B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below 0.035 lb/MMBTU during the deviation period.

Classification: Moderate

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

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1009B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below the MAERT limit during the deviation period.

Classification: Moderate

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

Rqmt Prov: SC No. 1 PERMIT

Description: Failure to maintain the emissions from the EPN QE3050B within MAERT limit and this could have been avoided by good design, operation and maintenance activities.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC #1 PA

Description: Failed to prevent unauthorized emissions of 4,060.1 lbs of VOCs, which included the HRVOC butene and the HRVOCs and HAPs 1,3-butadiene, ethylene, and propylene, 5,486 lbs of CO, and 591 lbs of NOx from EPN QE8050B in the QE1 Ethylene Unit on December 11, 2003 that lasted 27 hours.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 721 lbs of the HRVOCs and HAPs ethylene and propylene and 88 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 Low Density Polyethylene Unit (LDPU), on November 9, 2002 that lasted 25 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #19109, SC #1 PA

Description: Failed to prevent unauthorized emissions of 1,297 pounds (lbs) of volatile organic compounds (VOCs), which included the Highly Reactive VOCs (HRVOCs) and Hazardous Air Pollutants (HAPs) benzene and ethylene, 636.52 lbs of carbon monoxide (CO), and 122.44 lbs of nitrogen oxide (NOx) from emission point number (EPN) HSFL

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 965 lbs of they HRVOCs and HAPs ethylene and vinyl acetate and 72 lbs of PM from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3

Polyethylene Unit on April 12, 2004 that lasted 5 minutes.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 842 lbs of VOCs, which included the HRVOCs and HAPs ethylene and propylene and 69 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 6, 2003 that lasted 1 minute.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 842 lbs of VOCs, which included the HRVOCs and HAPs ethylene, propylene, and vinyltrimethoxysilane (VTMOS) and 69 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 9, 2003 that lasted 1 minute.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 6,272.9 lbs of VOCs, which included the HRVOCs and HAPs ethylene and propylene, 8,782.70 lbs of CO, and 1,559 lbs of NOx from EPN QE8050B in the QE1 Olefins Unit on June 23, 2004 that lasted 5 hours and 54 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #4477, SC#1 PA

Description: Failed to prevent unauthorized emissions of 952 lbs of VOCs, including 762 lbs of the HRVOCs and HAPs ethylene and vinyl acetate, and 71 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU and 29.57 lbs of VOCs, which included the HRVOCs and HAPs ethylene and vinyl acetate, from EPN L3FL

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 1,034.71 lbs of VOCs, which included the HRVOC acetylene and the HRVOCs and HAPs ethylene and propylene, 538.99 lbs of CO, and 92.51 lbs of NOx from EPN QE3050B ethylene from the QE1 Olefins on July 4, 2004 that lasted 22 hours and 35 minutes.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 834 lbs of the HRVOCs and HAPs ethylene and propylene and 100 lbs of polymer from reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 24, 2003 that lasted 1 minute.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 834 lbs of the HRVOCs and HAPs ethylene and propylene and 100 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 29, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #4477, SC#1 PA

Description: Failed to prevent unauthorized emissions of 840.52 lbs of the HRVOC VTMOS and the HRVOCs and HAPs ethylene and propylene and 69 lbs of PM (which is not authorized as an emission in the permit) from EPN L3FLARE in the AB3 LDPU on February 18, 2004 that lasted 5 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #19109, SC# 1 PA

Description: Failed to prevent unauthorized emissions of 8,949 lbs of HRVOCs which included the HRVOC butene and the HRVOC and HAP ethylene from the emergency vents in the Q1 Polyethylene Unit

and 80.96 VOCs, including 57.4 HRVOCs and 47.51 lbs of CO from EPN HSFLARE in the Q1 Polyethylene Unit on February 1, 2004 that lasted 21 ho

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 952 lbs of the HRVOCs and HAPs ethylene and vinyl acetate and 71 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on January 21, 2003 that lasted .01 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 3,504 lbs of the HRVOC and HAP ethylene from a pressure relief valve in the UT ethylene meter station on November 30, 2003 that lasted 6 minutes.

Classification: Minor

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

Description: Failed to report an emissions event with 24 hours of discovery. The emissions event that occurred on July 12, 2004 at 2:00 p.m. was not reported until July 14, 2004 at 1:34 p.m.

Classification: Moderate

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

Rqmt Prov: 4477 Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,793.87 lbs of the HRVOC and HAP ethylene from EPN L3FUG in the AB3 LDPU on July 12, 2004 that lasted 51 hours and 30 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #4477 PA

Description: Failed to prevent unauthorized emissions of 1,243 lbs of the HRVOC VTMOs and the HRVOCs and HAPs ethylene and propylene and 102 lbs of PM from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on May 4, 2004 that lasted 5 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 8,648 lbs of the highly reactive volatile organic compound (HRVOC) and hazardous air pollutant (HAP) ethylene from a pressure relief valve in the UT ethylene meter station on November 9, 2003 that lasted 8 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 533 lbs of the HRVOC and HAP ethylene from a pressure relief valve in the UT ethylene meter station on November 18, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 2,630 pounds (lbs) of volatile organic compounds (VOCs). The release of 2,630 lbs of the highly reactive VOC (HRVOC) ethylene from the Olefins Unit through the Process Fugitives, emission point number (EPN) QEFUG, occurred on November 11, 2004 and lasted 17 hours and 25 minu

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 18978, SC #1 PA

Description: Failed to prevent unauthorized emissions of 7,335.87 pounds (lbs) of volatile organic compounds (VOCs), including 8,326.2 of highly reactive VOCs (HRVOCs), 1.87 hazardous air pollutants (HAPs), and 108.1 HRVOCs and HAPs, 9,822 lbs of carbon monoxide (CO), and 1,492 lbs of nitrogen oxides (NOx).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov: 19109, SC 12.F PERMIT

O-01606, SC 1.A OP

Description: Failure to monitor 209 valves in VOC service in the Q1 Unit using 40 CFR part 60, Method

21.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.564(a)(1)

Rqmt Prov: 19109, SC 14.C PERMIT  
O-01606, SC 14.C OP

Description: Failure to conduct the performance test for the Q1 incinerator stack as required by the NSR permit 19109, dated January 21, 2004, within 180 days of increasing hourly polymer production to greater than 110% of that maintained during the last satisfactory test.

Classification: Moderate

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

Rqmt Prov: 19109, SC No.9 PERMIT  
O-01606, SC 9.A OP

Description: Failure to control the particulate emissions as required by the permit standards and by passed the particulate emissions from the mixer feed hoppers in the Q1 unit during the certification period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)(ii)

Rqmt Prov: O-01606, SC 1.A OP

Description: Failure to conduct the daily checks of pumps for four days in Q1 Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: O-01606, SC 1.A OP  
Special Condition 12.E. PERMIT

Description: Failure to cap or plug 2 open ended lines in the Q1 Unit.

Classification: Minor

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

Description: Failure to report particulate matter control deviation and barrier fluid exceedance deviations in the Q1 Unit in the report dated September 24, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.565(b)

Description: Failure to submit the engineering report describing in detail the vent system used to vent each affected vent stream to a control device after the piping changes in August 2003 in Q1 Unit.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 2,161 pounds of the volatile organic compounds acetylene and ethylene, 2,392 pounds of carbon monoxide, and 428 pounds of nitrogen oxides from emission point number QE8050B in the Olefins Unit during an emissions event that occurred on March 9, 2005 and lasted 1.4333 hours.

**Effective Date: 01/28/2010**

**ADMINORDER 2008-0958-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 #1 PERMIT

Description: Failure to prevent failure of the AMOT temperature probe which resulted in unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent a high differential pressure in the Acetylene Absorber that caused acetylene breakthrough in the Absorber and resulted in flaring.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition #1 PERMIT  
Description: Failure to prevent failure of the Secondary Compressor's (C4202) thermocouple cable which caused the shut down of the compressor and the reactor vents to open to the atmosphere.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition #1 PERMIT  
Description: Failure to prevent unauthorized emissions.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)  
Description: Failure to provide the additional information requested by the TCEQ within the timeframe established by the request.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition #1 PERMIT  
Description: Failure to prevent the shutdown of C-4202 Secondary Compressor which resulted in unauthorized emissions.

**Effective Date: 06/18/2010**

**ADMINORDER 2009-2024-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 #1 PERMIT  
Description: Failure to prevent unauthorized emissions due to the tripping of the Propylene Refrigeration Compressor.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition #1 PERMIT  
Description: Failure to prevent unauthorized emissions due to power failure caused by mechanical vibration of the relay trip contact.  
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 unauthorized emissions due to communication hardware malfunction.

**Effective Date: 08/09/2010**

**ADMINORDER 2009-0154-AIR-E**

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Permit #18978, Special Condition, #1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 101266 on December 12, 2007 the following unauthorized emissions were released from the Elevated Flare over a period of one hour and 15 minutes: 603.7 pounds ("lbs") of ethylene, 893.5 lbs of carbon monoxide ("CO") and 117.7 lbs of nitrogen oxides ("NOx"). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Permit #4477, Special Condition #1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 102875 on January 26, 2008 the following unauthorized emissions were released from the High Pressure Separator Relief Valve over a period of five hours and 33 minutes: 886 lbs of ethylene, 221 lbs of vinyl acetate and 1 lb of propylene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Permit #18978 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103287 on February 4, 2008 the following unauthorized emissions were released from the Elevated Flare and the Acetylene Recovery Unit ("ARU") Flare over a period of five hours and 30 minutes: 3,461.8 lbs of volatile organic compounds ("VOCs"), 4,502 lbs of CO and 626 lbs of NOx. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were n

Classification: Moderate

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

Rqmt Prov: Permit #4477, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103461 on February 7, 2008 the following unauthorized emissions were released from the AB3 Reactor Vents over a period of one hour and 58 minutes: 3,201.5 lbs of ethylene and 36.3 lbs of propylene. Since the emissions event was avoidable and not properly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report Incident No. 103461. Specifically, the permit number for the unit involved in the February 7, 2008 emissions event was not included in the final record submitted for the event.

Classification: Moderate

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

Rqmt Prov: Permit #18978, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103789 on February 15, 2008 the following unauthorized emissions were released from the Elevated Flare and the ARU Flare over a period of 118 hours: 1,713.9 lbs of VOCs, 1,336.1 lbs of CO and 145.5 lbs of NOx. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 113155 on August 26, 2008 the following unauthorized emissions were released from L3RXVent over a period of three hours and 23 minutes: 1,211 lbs of VOCs. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

**Effective Date: 08/21/2010**

**ADMINORDER 2009-1781-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,369 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene, 89 lbs of the HRVOC propylene, 32 lbs of polymer, 2.2 lbs of carbon monoxide and 0.54 lbs of nitrogen oxide from the AB3 Unit during an avoidable emissions event (Incident No. 126040) that began on June 25, 2009 and lasted one hour and 48 minutes. The event was the result of a Bafco valve failing in the closed position on the Hi

**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	08/07/2006	(345081)
2	01/26/2006	(431992)
3	02/22/2006	(432284)
4	11/21/2005	(433841)
5	11/21/2005	(435080)
6	01/20/2006	(439064)
7	01/20/2006	(439066)
8	02/02/2006	(439295)
9	02/02/2006	(439522)
10	02/15/2006	(439561)
11	02/02/2006	(439633)
12	02/24/2006	(451235)
13	02/21/2006	(453963)
14	03/16/2006	(454029)
15	03/08/2006	(454488)
16	03/16/2006	(454588)
17	03/16/2006	(454636)
18	04/26/2006	(455073)
19	06/27/2006	(455404)
20	06/27/2006	(455405)
21	02/23/2006	(455883)
22	03/16/2006	(455964)
23	02/28/2006	(456463)
24	02/25/2006	(456913)
25	02/28/2006	(457026)
26	02/28/2006	(457167)
27	03/13/2006	(458226)
28	08/23/2006	(458894)
29	04/19/2006	(462735)
30	05/11/2007	(462772)
31	06/21/2006	(462913)

32 05/25/2006 (463280)  
33 05/31/2006 (466933)  
34 05/26/2006 (467363)  
35 05/26/2006 (467375)  
36 05/26/2006 (467379)  
37 05/26/2006 (467382)  
38 05/26/2006 (467391)  
39 05/26/2006 (467396)  
40 08/11/2006 (467626)  
41 08/11/2006 (467635)  
42 06/21/2006 (481795)  
43 06/22/2006 (483443)  
44 06/30/2006 (483762)  
45 06/29/2006 (484570)  
46 07/11/2006 (484826)  
47 07/17/2006 (485587)  
48 08/08/2006 (485874)  
49 07/17/2006 (485923)  
50 07/14/2006 (486946)  
51 09/05/2006 (488631)  
52 09/05/2006 (488651)  
53 08/09/2006 (490279)  
54 02/22/2006 (492904)  
55 03/23/2006 (492905)  
56 10/26/2005 (492906)  
57 11/28/2005 (492907)  
58 12/21/2005 (492908)  
59 10/26/2005 (492909)  
60 09/08/2006 (497595)  
61 04/24/2006 (506468)

62 05/25/2006 (506469)  
63 06/26/2006 (506470)  
64 07/19/2006 (506471)  
65 11/20/2006 (514502)  
66 10/20/2006 (516121)  
67 10/20/2006 (516554)  
68 10/20/2006 (516566)  
69 11/17/2006 (516921)  
70 10/31/2006 (517252)  
71 12/18/2006 (517871)  
72 11/16/2006 (519602)  
73 08/18/2006 (528685)  
74 09/19/2006 (528686)  
75 09/19/2006 (528687)  
76 01/19/2007 (531635)  
77 02/05/2007 (531641)  
78 12/11/2006 (531680)  
79 02/26/2007 (532609)  
80 02/16/2007 (532610)  
81 04/12/2007 (532611)  
82 07/09/2007 (532634)  
83 03/20/2007 (532775)  
84 12/13/2006 (533373)  
85 05/14/2007 (534972)  
86 01/26/2007 (535998)  
87 03/20/2007 (536006)  
88 02/20/2007 (536017)  
89 04/05/2007 (542368)  
90 04/05/2007 (542369)  
91 04/05/2007 (542370)

92 03/05/2007 (542456)  
93 02/20/2007 (551951)  
94 11/20/2006 (551952)  
95 12/20/2006 (551953)  
96 01/19/2007 (551954)  
97 04/12/2007 (554892)  
98 06/01/2007 (554895)  
99 05/15/2007 (558701)  
100 07/12/2007 (558881)  
101 07/13/2007 (559650)  
102 05/31/2007 (561392)  
103 07/25/2007 (563252)  
104 07/10/2007 (565209)  
105 07/18/2007 (565509)  
106 08/28/2007 (570434)  
107 11/27/2007 (570521)  
108 10/09/2007 (571528)  
109 09/07/2007 (571530)  
110 03/20/2007 (589296)  
111 04/19/2007 (589297)  
112 05/17/2007 (589298)  
113 06/20/2007 (589299)  
114 07/19/2007 (589300)  
115 11/15/2007 (594689)  
116 10/15/2007 (594690)  
117 10/15/2007 (594692)  
118 10/11/2007 (594693)  
119 10/15/2007 (594694)  
120 10/09/2007 (594695)  
121 09/28/2007 (594920)  
122 11/16/2007 (597973)

123 01/28/2008 (598307)  
124 12/12/2007 (598310)  
125 08/20/2007 (605806)  
126 09/06/2007 (605807)  
127 10/19/2007 (605808)  
128 09/20/2007 (605809)  
129 12/12/2007 (609039)  
130 01/29/2008 (609101)  
131 08/28/2008 (610625)  
132 01/24/2008 (610674)  
133 12/11/2007 (610682)  
134 12/10/2007 (610695)  
135 01/17/2008 (610699)  
136 12/20/2007 (612437)  
137 02/08/2008 (612730)  
138 02/13/2008 (612840)  
139 01/25/2008 (613512)  
140 01/25/2008 (613541)  
141 01/14/2008 (613552)  
142 01/25/2008 (613555)  
143 01/25/2008 (613857)  
144 01/25/2008 (613874)  
145 01/25/2008 (614229)  
146 01/15/2008 (614252)  
147 04/01/2008 (616811)  
148 03/10/2008 (616812)  
149 02/28/2008 (618019)  
150 04/03/2008 (619011)  
151 11/20/2007 (631964)  
152 12/20/2007 (631965)

153 03/31/2008 (636151)  
154 04/06/2008 (637320)  
155 05/09/2008 (638778)  
156 04/22/2008 (638949)  
157 05/01/2008 (638959)  
158 05/07/2008 (638961)  
159 05/28/2008 (638962)  
160 07/14/2008 (638964)  
161 04/07/2008 (639314)  
162 05/16/2008 (641203)  
163 04/07/2008 (641592)  
164 06/16/2008 (646366)  
165 06/19/2008 (646368)  
166 07/03/2008 (653609)  
167 07/11/2008 (653610)  
168 07/14/2008 (653719)  
169 05/19/2008 (671026)  
170 02/19/2008 (677433)  
171 03/19/2008 (677434)  
172 04/10/2008 (677435)  
173 04/10/2008 (677436)  
174 07/31/2008 (686092)  
175 07/31/2008 (686093)  
176 10/28/2008 (686185)  
177 12/04/2008 (688113)  
178 08/20/2008 (688715)  
179 08/18/2008 (688789)  
180 09/04/2008 (689451)  
181 05/20/2008 (696168)  
182 06/20/2008 (696169)  
183 12/04/2008 (700715)

184 01/15/2009 (709042)  
185 02/20/2009 (709495)  
186 08/19/2008 (717807)  
187 09/20/2008 (717808)  
188 10/20/2008 (717809)  
189 10/16/2008 (717810)  
190 06/29/2009 (721079)  
191 03/05/2009 (721082)  
192 02/25/2009 (721083)  
193 02/25/2009 (721084)  
194 08/28/2009 (721238)  
195 11/12/2008 (733136)  
196 02/25/2009 (735621)  
197 06/08/2009 (739477)  
198 05/05/2009 (739945)  
199 08/20/2009 (741169)  
200 05/18/2009 (741225)  
201 06/16/2009 (743921)  
202 06/18/2009 (749634)  
203 02/17/2009 (756293)  
204 03/18/2009 (756294)  
205 03/30/2009 (756295)  
206 03/30/2009 (756296)  
207 12/16/2008 (756297)  
208 08/24/2009 (759202)  
209 09/17/2009 (761496)  
210 10/12/2009 (763103)  
211 09/16/2009 (764661)  
212 11/24/2009 (764738)  
213 08/10/2009 (764924)

214 08/06/2009 (764956)  
215 12/22/2009 (765553)  
216 10/14/2009 (766458)  
217 10/15/2009 (767716)  
218 05/19/2009 (773263)  
219 06/10/2009 (773264)  
220 12/04/2009 (775737)  
221 12/04/2009 (776799)  
222 12/10/2009 (779534)  
223 11/02/2009 (780297)  
224 12/03/2009 (781013)  
225 12/16/2009 (781594)  
226 03/26/2010 (784746)  
227 08/02/2010 (784773)  
228 12/17/2009 (785982)  
229 01/12/2010 (787343)  
230 02/24/2010 (787415)  
231 02/25/2010 (787910)  
232 02/26/2010 (792379)  
233 04/06/2010 (795270)  
234 06/10/2010 (800711)  
235 05/20/2010 (801432)  
236 02/17/2010 (819935)  
237 08/24/2009 (819936)  
238 02/25/2010 (819937)  
239 10/19/2009 (819938)  
240 11/18/2009 (819939)  
241 12/15/2009 (819940)  
242 01/20/2010 (819941)  
243 07/23/2010 (824428)  
244 07/23/2010 (825862)

245 07/12/2010 (827614)  
 246 07/20/2010 (828299)  
 247 07/07/2010 (828468)  
 248 03/16/2010 (836233)  
 249 04/12/2010 (836234)  
 250 05/18/2010 (836235)  
 251 09/02/2010 (843399)  
 252 09/17/2010 (844985)  
 253 06/15/2010 (847919)  
 254 10/11/2010 (857776)  
 255 07/13/2010 (862337)  
 256 10/08/2010 (865133)  
 257 08/18/2010 (868952)

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

**Date:** 11/30/2005 (492908)CN600124705  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

**Date:** 12/31/2005 (492909) CN600124705  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

**Date:** 01/20/2006 (439064) 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)  
 NSR 4477, SC 2 PERMIT  
 O-02225, SC 11A OP  
 Description: It was determined that Equistar failed to maintain the maximum production rate at the ABIII Unit on January 1, 2005.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)  
 O-02225, SC 1A OP

Description: It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(i).  
 It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(i).

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
NSR 4477, SC 9E PERMIT  
O-02225, SC 11A OP  
O-02225, SC 1A OP

Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 64 occasions in the fugitive area (L3FUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Minor  
Citation: It was determined that Equistar failed to equip open-ended lin

30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
NSR 5836, SC 1E PERMIT  
O-02225, SC 1A & SC 11A OP

Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 26 occasions in the fugitive area (MRUFUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Minor  
Citation: It was determined that Equistar failed to equip open-ended lines w

30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: It was determined that Equistar failed to satisfy the conditions of Permitted-by-Rule (PBR) 106.261 for the installation of a propylene seal pot in the ABIII Unit. This constitutes a violation of 30 TAC 116.110(a)(4).

Self Report? NO Classification: Moderate  
Citation:

30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR 4477, SC 1 PERMIT  
O-02225, SC 1A & 11A OP

Description: Equistar failed to properly maintain VOC emissions from storage silos(L3SILOS) in the ABIII Unit on the following three occasions: 1,134 ppm on 10/8/04, 1,127 ppm on 4/11/05, and 1,158.6 ppm on 8/9/05.

Self Report? NO Classification: Minor  
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR 4477, SC 7B PERMIT  
O-02225, SC 11A OP

Description: It was determined that Equistar failed to continuously monitor the presence of flare pilot flames for the flare (L3Flare) on May 26 & 27, 2005. This constitutes a violation of 30 TAC 116.115(c).

Self Report? NO Classification: Minor  
Citation:

30 TAC Chapter 115, SubChapter B 115.146(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
O-02225, SC 5A OP

Description: It was determined that Equistar failed to maintain records on industrial wastewater streams as needed to demonstrate compliance with 30 TAC 115.142. This constitutes a violation of 30 TAC 115.146(1).

Date: 01/20/2006 (439066) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC 1A OP

Description: failure to monitor NOx emissions for Boilers G and H on 18 occasions

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

Description: It was determined that Equistar failed to equip two open-ended lines with caps/plugs. This constitutes a violation of 30 TAC 115.352(4), 30 TAC 115.783(5), and 40 CFR 60.482-6(a)(1).  
It was determined that Equistar failed to equip two open-ended lines with caps/plugs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC 1A OP

Description: Equistar failed to operate diesel engines outside of the restricted hours between 6:00 a.m. and noon on two occasions. This constitutes a violation of 30 TAC 117.206(i).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC 1A OP

Description: Equistar failed to submit NOx ECT-1 Annual Report for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 101.359(a).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC 1A OP

Description: It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 117.216(c).  
It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC 1 PERMIT  
SC 8 OP

Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115(c).  
It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC 1 PERMIT  
SC 8 OP

Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116.115(c).  
It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116

**Date: 03/17/2006 (454588) CN600124705**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)

Description: Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

**Date: 03/17/2006 (454029) 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)  
No. 19109, Special Condition No. 1 PERMIT

Description: Equistar failed to prevent an avoidable emissions event.

**Date:** 03/17/2006 (454636) **CN600124705**  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)  
**Description:** Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

**Date:** 08/29/2006 (458894) **CN600124705**  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 111, SubChapter B 111.205(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Description:** Equistar failed to provide fire training notification for the training that occurred on October 6, 2004.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Description:** Equistar failed to maintain visible emissions from a portable diesel lighting system south of AB3 flare within the 30% opacity limit on October 23, 2004.

**Date:** 10/31/2006 (551952) **CN600124705**  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 11/16/2006 (519602) **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 #18978, SC#1 PA  
**Description:** Failure to prevent the unauthorized emissions of HRVOC and VOC from the decoking drum.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
**Description:** Failure to include the permit number in the final report.

**Date:** 12/18/2006 (517871) **CN600124705**  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 319, SubChapter A 319.11(b)  
**Description:** Failure to perform the manganese oxide correction analysis.

**Date:** 02/16/2007 (532610) **CN600124705**  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02225, Special Condition 1.H OP  
**Description:** Failure to install a continuous monitoring system for pressure relief valve V4229RV1.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5836, Special Condition 4E PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
**Description:** Failure to seal open-ended lines containing volatile organic compounds.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter C 115.216(3)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02225, Special Condition 1.A. OP  
**Description:** Failure to maintain appropriate records of a land based volatile organic compound

(VOC) transfer to a transport vessel.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02225, Special Condition 8.A.(i) OP

Description: Failure to ensure a tank-truck being filled with VOCs had a current annual leak test.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
4477, Special Condition 3 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02225, Special Condition 11.A OP

Description: Failure of preventing the exceedence of the production limit as listed in Table 2 of the confidential section of the permit application. (CATEGORY B19.g.1)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
4477, Special Condition 9F PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02225, Special Condition 11.A OP

Description: Failure to conduct valve monitoring for three consecutive quarters.

**Date: 02/27/2007 (532609) CN600124705**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to analyze the HRVOC concentrations in the ARU flare (EPN: QE3050B) flare header gas. (B.19.g.1)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 1.A. OP

Description: Failure of not repairing pumps seals within the six month deadline. (B19.g.(1))

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 1.A. OP  
O-02223, Special Condition 13.A. OP  
Permit 18978/PSD-TX-752M3, SC 13.H. PERMIT

Description: Failure to place leaker tags on equipment designating it as leaking components.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 1.A. OP

Description: Failure to identify fugitive components on tubing/piping associated with a sampling system in "benzene" service. (B19.g.(1))

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 1.A. OP  
O-02223, Special Condition 13.A. OP  
Permit 18978/PSD-TX-752M3, SC 13.E. PERMIT

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit the CEMS downtime report in a timely manner.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to keep the degreaser lid closed.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 6.A.(i) OP

Description: Failure to ensure trailers being filled with VOCs had a current annual leak test.  
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)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 1.A. OP

Description: Failure to ensure the net heating value of flare QE8050B did not drop below 300 Btu/scf. (B19.g.(1))  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(2)

Description: Failure to ensure the wastewater met the 10 ppm standard. (B19.g.(1))  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to stack test six diesel air compressors and one diesel engine pump. (B19.g.(1))  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 13.A. OP  
Permit 18978/PSD-TX-752M3, SC 1 PERMIT

Description: Failure to ensure two diesel engines did not exceed the permitted tons/year allowable. (B19.g.(1))  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, General Terms and Conditions OP

Description: Failure to include two compressors in the MAERT as emission points. (B19.g.(1))  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 3.A.(i) OP

Description: Failure to prevent the exceedance of the opacity limit for the MAPD decoking process. (B19.g.(1))  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, Special Condition 13.A. OP  
Permit 18978/PSD-TX-752M3, SC 1 PERMIT  
Permit 18978/PSD-TX-752M3, SC 3.B. PERMIT

Description: Failure to prevent the exceedance of permitted allowables for Furnaces 1, 4, 5, 7, 8, and 9. (Category B19.g.(1))  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02223, SC 13.A. OP  
Permit 18978/PSD-TX-752M3, SC 1 PERMIT  
Permit 18978/PSD-TX-752M3, SC 2.B. PERMIT  
Permit 18978/PSD-TX-752M3, SC 3.B. PERMIT

Description: Failure to prevent the exceedance of permitted allowables for Boilers A and B. (B19.g.(1))

**Date:** 04/04/2007 (542370) **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)  
Permit #4477, Special Condition #1 PA  
**Description:** Failure to prevent unauthorized emissions of ethylene, particulate matter, and vinyl acetate/

**Date:** 04/05/2007 (542368) **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 #4477, Special Condition #1 PA  
**Description:** Failure to prevent the unauthorized emission of ethylene.

**Date:** 05/24/2007 (558701) **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)  
Permit #18978 PA  
**Description:** Failure to prevent the unauthorized emissions of HRVOC and VOC.

**Date:** 07/09/2007 (532634) **CN600124705**  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)  
NSR Permit 19109, SC 6A PERMIT  
Title V Permit O-01606, SC 1A & SC 9A OP  
**Description:** failed to maintain the heating value of the gas being combusted being 300 Btu/scf or greater in the Q-1 Flare (HSFLARE) on December 11, 2005.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(d)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V Permit O-01606 OP  
**Description:** failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the Q-1 Flare by January 31, 2006, and also failed to perform daily calibrations until March 17, 2006.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V Permit O-01606, SC 1A OP  
**Description:** failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the cooling tower (Q1CT) until March 30, 2006, and also failed to perform daily calibrations on April 9 and 10, 2006.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V Permit O-01606, SC 1A OP  
**Description:** failed to install a continuous monitoring system to determine status of relief valves and duration of pressure relief events for pressure relief valves (HRVOC PSV) on the butene unloading system: PSV-R1779, PSV-R724, and PSV-J781RV.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V Permit O-01606, SC 1A OP  
**Description:** failed to maintain operating limits established during the HRVOC emission test on four occasions.

**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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 NSR Permit 19109, SE 12E PERMIT  
 Title V Permit O-01606, SC 1A & 9A OP  
 Description: failed to equip open-ended lines with a plug or second valve on two occasions.  
 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 THC Chapter 382, SubChapter D 382.085(b)  
 NSR Permit 19109, SC 1 PERMIT  
 Title V Permit O-01606, SC 9A OP  
 Description: failed to maintain VOC emissions from railcar unloading to storage.  
 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 THC Chapter 382, SubChapter D 382.085(b)  
 NSR Permit 19109, SC 7D PERMIT  
 Title V Permit O-01606, SC 9A OP  
 Description: failed to continuously monitor the incinerator stack oxygen concentration on  
 October 4, 2005.  
 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 THC Chapter 382, SubChapter D 382.085(b)  
 NSR Permit 19109, SC 8 PERMIT  
 Title V Permit O-01606, SC 9A OP  
 Description: failed to perform the required cylinder gas audit (CGA) on the oxygen analyzer  
 by March 31, 2006.  
 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 THC Chapter 382, SubChapter D 382.085(b)  
 NSR Permit 19109, SC 2 PERMIT  
 Title V Permit O-01606, SC 9A OP  
 Description: failed to limit the volatile organic compounds (VOC) content in the polyethylene  
 powder exiting the product purge bin to 100 ppm by weight on October 31, 2005.  
 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 THC Chapter 382, SubChapter D 382.085(b)  
 NSR Permit 19109, SC 1 PERMIT  
 Title V Permit O-01606, SC 9A OP  
 Description: failed to maintain NOx emissions from the Q-1 Flare (HSFLARE) within the limit of  
 0.50 lb/hr.  
 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 THC Chapter 382, SubChapter D 382.085(b)  
 NSR Permit 19109, SC 9 PERMIT  
 Title V Permit O-01606, SC 9A OP  
 Description: failed to maintain a sock filter on the powder feeder hopper on April 8, 2006.  
 Date: 07/10/2007 (565209) 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)  
 Permit #4477, Special Condition #1 PERMIT  
 Description: Failure to prevent the lifting of safety relief valves which resulted in unauthorized  
 emissions of ethylene to the atmosphere.

Date: 10/31/2007 (631964) CN600124705

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

Date: 11/16/2007 (597973) 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)  
Permit #4477, Special Condition #1 PERMIT  
Description: Failure to block in the High Pressure Separator overhead valve resulting in unauthorized emissions.

Date: 02/08/2008 (612730) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Permit #4477, Special Condition #1 PERMIT  
Description: Failure to prevent the opening of the reactor vent to the atmosphere which resulted in the release of ethylene.

Date: 06/20/2008 (646368) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
Description: Failure to prevent bumping of the barring-over controls on the Recycle compressor which resulted in the shutdown of the compressor and the venting of contaminants to the atmosphere.

Date: 07/11/2008 (653610) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
Description: Failure to prevent pressure build up in the gas recycle system which resulted in the lifting of a High Pressure Separator Relief Valve to the atmosphere.

Date: 08/20/2008 (688715) CN600124705  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to include the heat exchanger leak in Incident #96015.

Date: 03/31/2009 (756295) CN600124705  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/16/2009 (743921) CN600124705  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)  
ELMR, No. 1, p. 2 PERMIT  
Description: Failure to measure the flow at Outfall 001 at the required frequency.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.6  
30 TAC Chapter 319, SubChapter A 319.9(c)  
Description: Failure to properly calibrate the pH meter and perform the required Quality Assurance/Quality Control (QA/QC) for the chlorine meter.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Other Requirements, No. 3, p. 12-13 PERMIT

Description: Failure to properly complete the Discharge Monitoring Reports (DMRs) for total zinc at Outfall 001 in March 2009.

Date: 06/29/2009 (721079)

CN600124705

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14E PERMIT  
Special Condition 5 PERMIT  
Special Condition 6A PERMIT  
Special Term and Condition 13 OP  
Special Term and Condition 1A OP

Description: Failure to maintain a cap, blind flange, plug or second valve on four (4) open ended lines. (Category C10 violation)

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 THSC Chapter 382 382.085(b)  
Special Term and Condition 1J(v) OP

Description: Failure to repair eleven (11) leaking components in HRVOC service within seven (7) days. (Category B19(g)(1) 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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)  
40 CFR Part 61, Subpart V 61.242-7(d)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14I PERMIT  
Special Condition 5 PERMIT  
Special Condition 6A PERMIT  
Special Term and Condition 13 OP  
Special Term and Condition 1A OP  
Special Term and Condition 1J(v) OP

Description: Failure to repair twelve (12) leaking components in HRVOC service within fifteen (15) days. (Category B19(g)(1) 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 A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11A PERMIT  
Special Condition 5 PERMIT  
Special Term and Condition 13 OP  
Special Term and Condition 1A OP

Description: Failure to maintain a minimum of 300 BTU for flare-QE3050B. (Category B19(g)(1) Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1J(iii) OP

Description: Failure to maintain HRVOC emissions below the HRVOC cap of 1200 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Special Term and Condition 13 OP  
Special Term and Condition 1A OP  
Description: Failure to maintain a closed lid on the Olefins degreaser while the degreaser was not in use. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Conditions 11C PERMIT  
Special Term and Condition 13 OP  
Special Term and Condition 1A OP

Description: Failure to limit visible emissions to less than five minutes within a two hour period from flare QE3050B. (Category B19(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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 1 PERMIT  
Special Terms and Conditions 13 OP

Description: Failure to maintain NOX emissions below 31.75 lbs/hr for Furnace #9 (QE1009B). (Category B19(g)(1) violation)

Date: 08/24/2009 (759202) CN600124705

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions due to water entering the high voltage disconnect switch structure.

Date: 08/28/2009 (721238) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 PERMIT  
Special Terms & Conditions 15 PERMIT

Description: Failed to perform monthly sampling and testing for residual VOC, which constitutes the violation of NSR Permit 19109, Special Condition 13. (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Special Terms & Conditions 12(E) PERMIT  
Special Terms & Conditions 15 PERMIT  
Special Terms & Conditions 1A PERMIT

Description: Failure to seal one open-ended line with a cap, plug, blind flange, or a second valve. [Category C10]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms & Conditions 2F PERMIT

Description: Failed to create a final record of five reportable events no later than two weeks after the end of an emissions event. (CATEGORY C3 violation)

Date: 09/17/2009 (761496) CN600124705

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Equistar failed to prevent unauthorized emissions from the High Pressure Separator relief valve (L3Fug).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit the Initial Notification for a reportable emissions event within 24 hours of discovery of the event.

Date: 02/25/2010 (787910) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions due to lifting of relief valve C4202RV5 to the atmosphere.

Date: 03/26/2010 (784746) CN600124705  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 15 OP  
SC 9 PERMIT  
Description: Operating a bag house with damaged filters (C4).  
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)  
SC 13 PERMIT  
SC 15 OP  
Description: Failed to analyze a VOC sample collected from the product purge bin outlet (C1).

Date: 07/21/2010 (828299) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
Description: Failure to prevent unauthorized emissions due Process Gas Compressor tripping.

Date: 09/17/2010 (844985) CN600124705  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
Description: Failure to prevent unauthorized emissions due to the Propylene Refrigeration Compressor (PRC) going to minimum governor speed.

F. Environmental audits.

Notice of Intent Date: 11/28/2006 (534264)  
No DOV Associated

Notice of Intent Date: 07/27/2007 (593661)  
Disclosure Date: 04/29/2008  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1  
40 CFR Part 60, Subpart VV 60.482-2

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026

Description: Failure to monthly monitor specific components.

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(e)(1)

Description: Failure to maintain Heavy Liquid Equipment Lists.

Viol. Classification: Moderate

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

30 TAC Chapter 115, SubChapter H 115.783(5)

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

Rqmt Prov: PERMIT NSR 4477

Description: Failure to close 4 open ended lines.

**Notice of Intent Date: 07/31/2007 (593666)**

**Disclosure Date: 03/31/2008**

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Description: Failure to meet benzene waste operations control standards for tanks, surface impoundments, containers, individual drain systems, oil water separators, treatment processes, closed vent systems and control devices.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failure to properly monitor, report, and maintain records for benzene waste operations.

Viol. Classification: Moderate

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

Description: Failure to follow test methods, procedures and compliance provisions for benzene waste operations.

Viol. Classification: Moderate

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

Description: Failure to use all phases when determining the weighted-average benzene concentration.

**Notice of Intent Date: 11/05/2007 (615486)**

No DOV Associated

**Notice of Intent Date: 11/05/2007 (615488)**

No DOV Associated

**Notice of Intent Date: 11/05/2007 (615489)**

**Disclosure Date: 08/20/2008**

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-2225

Description: Failure to comply with Title V operating permit O-2225.

**Notice of Intent Date: 04/22/2008 (681801)**

No DOV Associated

**Notice of Intent Date: 06/23/2008 (688517)**

No DOV Associated

**Notice of Intent Date: 09/28/2009 (779143)**

No DOV Associated

**Notice of Intent Date: 03/18/2010 (798386)**

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## *Addendum to Compliance History Federal Enforcement Actions*

**Reg Entity Name:** EQUISTAR CHEMICALS LA PORTE

**Reg Entity Add:** 1515 MILLER CUT- OFF ROAD **Reg Entity No:**  
**Reg Entity City:** LA PORTE **RN100210319**

**Customer Name:** Equistar Chemicals **Customer No:** CN600124705

**EPA Case No:** 06-2004-3409 **Order Issue Date (yyyymmdd):** 20080126

**Case Result:** Final Order with Penalty **Statute:** CAA **Sect of Statute:** 502

**Classification:** MODERATE **Program:** NESHAPs **Citation:**

**Violation Type:** Violation of NESHAP **Cite Sect:** **Cite Part:**

**Enforcement Action:** Consent Decree/Court Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EQUISTAR CHEMICALS, LP  
RN100210319

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2010-1794-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 industrial polyethylene manufacturing plant at 1515 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 16, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Dollars (\$4,000) of the administrative penalty and Two Thousand Dollars (\$2,000) 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. Four Thousand Dollars (\$4,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 October 28, 2010, the Respondent updated the operating procedure being used to depressurize the Reactor and the High Pressure Separator ("HPS") when performing maintenance on the process side of the HPS, in order to prevent the recurrence of an emissions event from same or similar causes as Incident No. 143540.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 4477, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 23, 2010. Specifically, 640 pounds ("lbs") of ethylene and 5.2 lbs of propylene were released when the Respondent failed to prevent the malfunction of the thermocouples on the HPS during maintenance, causing the reactor to vent to the atmosphere, resulting in an emissions event (Incident No. 143540) which began on August 23, 2010, and lasted for five minutes. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent 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. 2010-1794-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Dollars (\$4,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
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

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

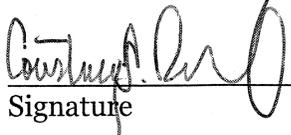
\_\_\_\_\_  
Date 3/23/2011

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

\_\_\_\_\_  
Date 1-20-11

Courtney Ruth  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Equistar Chemicals, LP

Site Manager LaPorte  
\_\_\_\_\_  
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.

**Attachment A**  
**Docket Number: 2010-1794-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Equistar Chemicals, LP  
**Payable Penalty Amount:** Eight Thousand Dollars (\$8,000)  
**SEP Amount:** Four Thousand Dollars (\$4,000)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program  
**Location of SEP:** Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.