

Executive Summary – Enforcement Matter – Case No. 38743

Equistar Chemicals, LP

RN100210574

Docket No. 2009-1896-IHW-E

Order Type:

Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chocolate Bayou Complex - FM 2917, 12 miles south of Alvin and 1.5 miles southeast of Liverpool, Brazoria County

Type of Operation:

chemical manufacturing complex

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other:

*Respondent filed a petition for bankruptcy relief in the U.S. Bankruptcy Court-Southern District of New York, on January 6, 2009. The violations occurred post-petition, pre-confirmation are entitled to be treated as administrative expense priority for purpose of the claims hierarchy of payment from the bankruptcy estate.

Interested Third-Parties:

Respondent entered into a Settlement Agreement with Solutia, Inc. and Ascend Performance Materials LLC for the ongoing maintenance and decommissioning of the Facility. The Bankruptcy Court approved the Settlement Agreement on April 26, 2010.

Texas Register Publication Date: April 1, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$67,050

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$0

Total Due to General Revenue: *See above

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Average

Site/RN – Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Equistar Chemicals, LP
RN100210574
Docket No. 2009-1896-IHW-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: October 29, 2009
Date(s) of NOE(s): November 2, 2009

Violation Information

1. Failed to conduct hazardous waste determinations and classifications for each solid waste generated at the Facility [30 TEX. ADMIN. CODE § 335.62 and 40 C.F.R. § 262.11].
2. Failed to obtain a permit to operate a hazardous waste storage facility; failed to comply with the 90-day accumulation time limitation for storing hazardous waste; and failed to prevent the accumulation and/or storage of hazardous waste in tanks without secondary containment, integrity assessment, and recordkeeping [30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. §§ 262.34(b) and 265.190].
3. Failed to update the Notice of Registration for any changes or additional information within 90 days of the occurrence of such changes or becoming aware of such additional information [30 TEX. ADMIN. CODE § 335.6(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days, inventory all feedstock, products, intermediates and other liquids, solids and residues remaining in equipment and associated piping in the Olefins Unit, equipment and associated piping in the Hydrocarbons Unit, and owned tanks in the Distribution Area (collectively the "Materials"). To the extent that wastes have been and are generated during the exit process, all materials at the Facility classified as wastes (the "Wastes") will also be inventoried.
2. Within 90 days, submit an Inventory Report identifying a schedule for the removal and disposition of all Materials and Wastes. The Inventory Report shall include a table summarizing the results of the inventory with a tabulated list of tanks, vessels and piping, their content, and the estimated quantity of Material in each and the location, nature, and estimated quantity of any Wastes.
3. Every 60 days thereafter, submit Update Reports on the progress of removal and disposition of all Materials and the generation, disposition of all Wastes, the status of closure activities at the Facility, and supporting documentation related to the disposition of any Materials or Wastes. To the extent that wastes are generated during the exit process, the Report shall include information to demonstrate the completion of the requirements of 30 TEX. ADMIN. CODE ch. 335, Subchapter R - Waste Classification, and supporting documentation related to the disposition, shipment and management of Wastes at authorized facilities. Unused feedstock, product and intermediates at the Facility that Respondent transfers for use at another Respondent facility or sells to a third party are not solid wastes and are not subject to regulation as solid wastes.
4. On or before May 1, 2012, submit a final closure report for review that will include information on the final disposition of: the Materials and Wastes; all waste management units listed on the facility's NOR; any other on-site units identified during the sampling and closure; and updated notification information of the current status of all waste management units and site activity status.

Equistar Chemicals, LP
RN100210574
Docket No. 2009-1896-IHW-E

Litigation Information

Date Petition(s) Filed: March 3, 2010
Date Answer(s) Filed: March 18, 2010
SOAH Referral Date: May 4, 2010
Hearing Date(s):
Preliminary hearing: June 24, 2010
Evidentiary hearing: November 8-10, 2010 (continued to January 10-12, 2011;
abated indefinitely on January 5, 2011)
Settlement Date: March 8, 2011

Contact Information

TCEQ Attorneys: Jeffrey Huhn, Litigation Division, MC 175, (512) 239-3400
Lena Roberts, Litigation Division, MC 175, (512) 239-3400
TCEQ SEP Coordinator: N/A
TCEQ Enforcement Coordinator: Rajesh Acharya, Waste Enforcement Section, (512) 239-0577
TCEQ Regional Contact: Nicole Bealle, Houston Regional Office, (713) 767-3623
Respondent: Morgan T. French, HSE Manager, Equistar Chemicals, LP, P.O. Box 2917, Alvin, TX 77512
Respondent's Attorney: Aileen M. Hooks, Baker Botts LLP, 98 San Jacinto Blvd., Suite 1500, Austin, TX 78701

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Nov-2009	Screening	18-Nov-2009	EPA Due	
	PCW	10-Dec-2010				

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

CASE INFORMATION			
Enf./Case ID No.	38743	No. of Violations	3
Docket No.	2009-1896-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit	Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	198.0% Enhancement	Subtotals 2, 3, & 7	\$44,550
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Notes: Enhancement due to twenty-eight NOVs for non-similar violations, seven agreed orders with a denial of liability, and one court order with a denial of liability. Penalty reduction due to twelve Notices of Intended Audits and eight Disclosures of Violations submitted.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$207
 Approx. Cost of Compliance \$6,550
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$67,050
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$67,050

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$67,050
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$67,050
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Screening Date 18-Nov-2009

Docket No. 2009-1896-IHW-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 38743

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210574

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	28	56%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	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	0	0%
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>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<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>)	12	-12%
	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>)	8	-16%
<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) 198%

>> 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 due to twenty-eight NOVs for non-similar violations, seven agreed orders with a denial of liability, and one court order with a denial of liability. Penalty reduction due to twelve Notices of Intended Audits and eight Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 198%

Screening Date 18-Nov-2009	Docket No. 2009-1896-IHW-E	PCW			
Respondent Equistar Chemicals, LP		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 38743		<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN100210574					
Media [Statute] Industrial and Hazardous Waste					
Enf. Coordinator Rajesh Acharya					
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations("CFR") § 262.11				
Violation Description	Failed to conduct hazardous waste determinations and classifications for each solid waste generated at the Facility.				
	Base Penalty	\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text" value="x"/>	<input type="text"/>	Percent <input type="text" value="50%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.				
	Adjustment				\$5,000
\$5,000					
Violation Events					
	Number of Violation Events	<input type="text" value="3"/>	<input type="text" value="21"/>	Number of violation days	
	daily	<input type="text"/>	<input type="text"/>		
	weekly	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text" value="x"/>	<input type="text"/>		
	quarterly	<input type="text"/>	<input type="text"/>		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
	single event	<input type="text"/>	<input type="text"/>		
<i>mark only one with an x</i>				Violation Base Penalty	\$15,000
	Three monthly events (one monthly event for each waste stream - Olefins Unit, Hydrocarbon Unit and Distribution Area) are recommended.				
Good Faith Efforts to Comply					
	0.0% Reduction				\$0
		Before NOV	NOV to EDPRP/Settlement		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>		
Notes	The Respondent does not meet the good faith criteria for this violation.				
	Violation Subtotal				\$15,000
Economic Benefit (EB) for this violation					
	Estimated EB Amount	<input type="text" value="\$47"/>	Statutory Limit Test	Violation Final Penalty Total	\$44,700
				This violation Final Assessed Penalty (adjusted for limits)	\$44,700

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 38743
Reg. Ent. Reference No. RN100210574
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	29-Oct-2009	17-Jun-2010	0.63	\$47	n/a	\$47
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct hazardous waste determinations and properly classify the wastes. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$47

Screening Date 18-Nov-2009 **Docket No.** 2009-1896-IHW-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 2 (September 2002)*
Case ID No. 38743 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100210574
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Rajesh Acharya

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 CFR §§ 262.34(b) and 265.190
Violation Description Failed to comply with the 90-day accumulation time limitation for storing hazardous waste.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential	x			50%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 21 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended from the October 29, 2009 investigation to the screening date of November 18, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$158 **Violation Final Penalty Total** \$14,900

This violation Final Assessed Penalty (adjusted for limits) \$14,900

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 38743
Reg. Ent. Reference No. RN100210574
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	\$5,000	29-Oct-2009	17-Jun-2010	0.63	\$158	n/a	\$158
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit to develop and implement procedure with 90 days accumulation time limit. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$158

Screening Date 18-Nov-2009 **Docket No.** 2009-1896-IHW-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 2 (September 2002)*
Case ID No. 38743 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100210574
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Rajesh Acharya

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirement was not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 38743
Reg. Ent. Reference No. RN100210574
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$50	29-Oct-2009	17-Jun-2010	0.63	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit an updated NOR. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124705	Equistar Chemicals, LP	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN100210574	EQUISTAR CHEMICALS CHOCOLATE BAYOU COMPLEX	Classification: AVERAGE	Site Rating: 16.14

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL01131
	AIR OPERATING PERMITS	PERMIT	1287
	AIR OPERATING PERMITS	PERMIT	2260
	AIR OPERATING PERMITS	PERMIT	2261
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5060
	AIR NEW SOURCE PERMITS	PERMIT	4634B
	AIR NEW SOURCE PERMITS	PERMIT	18423
	AIR NEW SOURCE PERMITS	PERMIT	18708
	AIR NEW SOURCE PERMITS	PERMIT	19480
	AIR NEW SOURCE PERMITS	PERMIT	20993
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL01131
	AIR NEW SOURCE PERMITS	PERMIT	52392
	AIR NEW SOURCE PERMITS	AFS NUM	4803900048
	AIR NEW SOURCE PERMITS	REGISTRATION	91241
	AIR NEW SOURCE PERMITS	PERMIT	83777
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980627137
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32212
	USED OIL	ID NUMBER	HOU000063
	WATER LICENSING	LICENSE	0200493
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	32212
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL01131

Location: FM 2917 12 MI S OF ALVIN 1.5 MI SE OF LIVERPOOL
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: November 16, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 16, 2004 to November 16, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Rajesh Acharya Phone: (512) 239-0577

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWNOPR Equistar Chemicals, LP
4. If Yes, who was/were the prior owner(s)/operator(s)? OPR Millennium Petrochemicals GP LLC
5. When did the change(s) in owner or operator occur? 12/31/2004 OPR Millennium Petrochemicals GP LLC
6. Rating Date: 9/1/2009 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.

1. **Effective Date: 11/11/2004 ADMINORDER 2002-0886-AIR-E**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC13 PERMIT
Description: Failed to operate below the maximum liquid flow rate of 12 gallons per minute to the Wet Air Oxidizer (83 exceedances noted between January 2001 and April 9, 2002) and below the maximum benzene by weight concentration of 100 parts per million (6 exceedances noted between March and April 2002).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Failed to meet VOCs emission limitations of 7.76 tpy as specified in the permit's Maximum Allowable Emission Rate Table ("MAERT"). Emissions from EPN 318Z3 in the Methyl Tertiary Butyl Ether ("MTBE")/Butadiene Unit were 8.75 tpy in 1999 and 8.13 tpy in 2000.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Failed to meet particulate matter emission limitations of .09 tpy as specified in the permit's MAERT. Emissions from EPN 81H2 MTBE/Butadiene Unit were 0.1 tpy in 1999.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8A PERMIT
Description: Failed to route the waste gas streams from the pressure relief valve located on the Butadiene column to the flare.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 3 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 4634B PERMIT

Description: Failure to prevent an avoidable emission event.

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

Classification: Moderate

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

Rqmt Prov: Special Conditions No. 1 PERMIT

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

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1 PERMIT

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No.19558, SC1 PERMIT

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

Classification: Minor

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

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

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Effective Date: 10/01/2008 COURTORDER

Classification: Moderate

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

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

Rqmt Prov: No 4634A PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Major

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

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Minor

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

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

Classification: Minor

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

Description: Failed to identify preconstruction authorization emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: 18423 S.C No.1 PERMIT
 O-02259, Special Terms&Conditions No. 15 OP
 Description: Failure to maintain the emissions from the storage tank 316T6 within the permit allowable rate.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7
 Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
 Description: Failure to monitor 146 valves in Volatile Hazardous Air Pollutant (VHAP) service in the Utilities Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) Part 60, during the certification period.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2
 Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
 Description: Failure to monitor 5 pumps in Volatile Hazardous Air Pollutant (VHAP) service in the Utilities Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) Part 60, during the certification period.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
 Description: Failure to cap or plug 28 open ended lines in the Utilities Unit, during the certification period.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
 Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
 Description: Failure to maintain the flare minimum heating value of 300 BTU/scf during the reactor regeneration periods in the Utilities Unit on October 6, & 29, November 26, December 22, & 28 of year 2003 and on January 28, February 9, and May 12, 2004.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
 Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
 Description: Failure to collect the monthly benzene wastewater samples at the waste stream exit point in June 2003, July 2003, and July 2004.
 Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)(3)
 Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
 Description: Failure to keep the records of time and duration of maintenance activity, during the certification period.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(b)
 Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
 Description: Failure to conduct the quarterly visual inspection of oil-water separators with Identification Numbers 20S1 and 90S4.
 Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 Rqmt Prov: O-02259, General Terms & Conditions OP
 Description: Failure to report some instances of deviations in the Utilities Unit in the report dated January 14, 2003.
 Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121
 Description: Failure to represent the VOC's and benzene fugitives emissions from the Utilities Unit in the Title V operating permit No. O-02259.
 Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247(b)(4)
 Rqmt Prov: O-02259, Special Terms&Conditions No.1.A OP
 Description: Failure to include the total number of valves and pumps added to the fugitive monitoring program (revisions) in the semiannual report submitted on April 27, 2004.
 Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(A)
 30 TAC Chapter 106, SubChapter T 106.452(2)(D)
 Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
 Description: Failure to register the dry abrasive cleaning facility and also exceeded the abrasive material daily usage rate for 13 days. The abrasive material usage ranged from 1.5 tons to 2.3 tons.
 Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter S 106.433(7)(A)
 30 TAC Chapter 106, SubChapter S 106.433(9)
 Rqmt Prov: O-02259, Special Terms&Conditions No.15 OP
 Description: Failure to register the surface coating facility and also exceeded the limit of six lb/hr of VOC emissions, averaged over five hour period for four days during the certification period.
 Classification: Moderate

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

Rqmt Prov: 18423, General Condition No.1 PERMIT
O-02259, Special Terms&Conditions No.15 OP
Description: Failure to represent the emissions from the hydrocarbon rag layer for the storage tanks 316T5 and 316T6.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)

Rqmt Prov: O-02260 STC 1.A OP
Description: Failure to monitor 59 valves in Volatile Hazardous Air Pollutant (VHAP) service in the Aromatics/Isoprene Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) part 60.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Rqmt Prov: O-02260, S. C. 1A OP
Description: Failure to monitor 2 pumps in Volatile Hazardous Air Pollutant (VHAP) service in the Aromatics/Isoprene Unit using Method 21 of Appendix A of 40 Code of Federal Regulations (CFR) part 60.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: O-02260, S.C. 1A OP
Description: Failure to cap or plug 46 open ended lines in the Aromatics/Isoprene Unit discovered between September 25, 2003 and February 26, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

Rqmt Prov: O-02260, S.C. 1A OP
Description: Failure to make the first attempt at repair within the five calendar days after the leak is found for three pumps, two connectors and two sensory leaks and failed to complete the repair within 15 days for one pump.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to monitor the 105 connectors to maintain a 97% control efficiency as represented in New Source Review Permit No. 19480.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to report some instances of deviations in the Aromatics/Isoprene Unit in the report dated January 14, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 19480, S. C. 1 PERMIT
O-02260, S. C. 20 OP
Description: Failure to maintain the emissions from storage tanks 320T247-2 and 320T285 within the permit allowable rate.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: O-02260, S.C. 2 OP
Special Condition 1 PERMIT
Description: Failure to operate the flare, emission point number 318Z3, within the permit limits 10 times between June 25, 2003 and June 11, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.355(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)
Description: Failure to perform fugitive monitoring in accordance with Method 21
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
Description: Failure to maintain a seal on plugs installed on an open ended line.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Description: Failure to equip an open ended valve with a cap, blind flange, plug, or a second valve.

Effective Date: 10/06/2008**ADMINORDER 2008-0564-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)Rqmt Prov: Standard Permit Registration PERMIT
TCEQ Permit No. 4634B, SC #1 PERMIT

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

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	11/22/2004	(341016)
2	11/22/2004	(341024)
3	11/22/2004	(341169)
4	11/22/2004	(341236)
5	11/22/2004	(341355)
6	11/22/2004	(341455)
7	11/29/2004	(289697)
8	11/30/2004	(259259)
9	12/28/2004	(344869)
10	12/30/2004	(344993)
11	12/31/2004	(345634)
12	01/07/2005	(344601)
13	01/19/2005	(345344)
14	01/31/2005	(347433)
15	03/15/2005	(371378)
16	03/16/2005	(373784)
17	03/18/2005	(373943)
18	04/14/2005	(377117)
19	05/02/2005	(379552)
20	05/09/2005	(293362)
21	05/19/2005	(371475)
22	06/21/2005	(375806)
23	06/22/2005	(375724)
24	06/22/2005	(375761)
25	07/08/2005	(397149)
26	07/14/2005	(376596)
27	07/25/2005	(400224)
28	08/09/2005	(376612)
29	08/25/2005	(399824)
30	08/31/2005	(418596)
31	08/31/2005	(418729)
32	09/29/2005	(375003)
33	12/01/2005	(437309)
34	12/12/2005	(435274)
35	12/12/2005	(435301)
36	02/16/2006	(454291)
37	02/28/2006	(452437)
38	03/17/2006	(457658)
39	04/26/2006	(459338)
40	05/11/2006	(289782)
41	05/23/2006	(463924)
42	05/30/2006	(466880)
43	06/14/2006	(480490)
44	06/23/2006	(457277)
45	06/29/2006	(484154)
46	06/30/2006	(483594)
47	08/04/2006	(482173)
48	08/16/2006	(484908)
49	08/18/2006	(487675)
50	09/01/2006	(497420)
51	09/11/2006	(490208)
52	09/29/2006	(508950)
53	10/19/2006	(511684)
54	10/31/2006	(516242)
55	11/16/2006	(517613)
56	11/29/2006	(274682)
57	12/05/2006	(518249)
58	01/10/2007	(455112)
59	02/05/2007	(533849)
60	02/14/2007	(532591)

61	02/22/2007	(539187)
62	03/06/2007	(532588)
63	03/09/2007	(497404)
64	03/09/2007	(497419)
65	04/05/2007	(532553)
66	04/11/2007	(555128)
67	05/10/2007	(532558)
68	05/10/2007	(532583)
69	05/14/2007	(540652)
70	05/14/2007	(557851)
71	05/31/2007	(559803)
72	06/28/2007	(560611)
73	06/29/2007	(560739)
74	07/11/2007	(559739)
75	07/26/2007	(567221)
76	07/27/2007	(562723)
77	07/27/2007	(562772)
78	07/27/2007	(562784)
79	07/30/2007	(562873)
80	08/09/2007	(570952)
81	08/10/2007	(562866)
82	08/10/2007	(562972)
83	08/10/2007	(563354)
84	08/13/2007	(565934)
85	08/29/2007	(571670)
86	08/29/2007	(573407)
87	09/28/2007	(596091)
88	10/03/2007	(564369)
89	10/03/2007	(564509)
90	10/12/2007	(571882)
91	10/15/2007	(571925)
92	10/15/2007	(571929)
93	10/15/2007	(572110)
94	10/16/2007	(597981)
95	10/18/2007	(569970)
96	10/19/2007	(571364)
97	11/16/2007	(572853)
98	11/16/2007	(608892)
99	11/28/2007	(599650)
100	12/07/2007	(610526)
101	01/04/2008	(571695)
102	01/07/2008	(610603)
103	01/24/2008	(610702)
104	01/28/2008	(613356)
105	01/30/2008	(613977)
106	02/27/2008	(618557)
107	02/29/2008	(615621)
108	03/04/2008	(613495)
109	03/27/2008	(638802)
110	03/31/2008	(610486)
111	04/03/2008	(617168)
112	04/03/2008	(618321)
113	04/25/2008	(636857)
114	04/28/2008	(725876)
115	05/05/2008	(610607)
116	05/06/2008	(638084)
117	05/06/2008	(638187)
118	05/06/2008	(638349)
119	05/06/2008	(638386)
120	05/12/2008	(654201)
121	05/21/2008	(671318)
122	05/22/2008	(671635)
123	06/25/2008	(683945)
124	06/30/2008	(684342)
125	07/02/2008	(683958)
126	07/21/2008	(518562)
127	09/23/2008	(686970)
128	10/20/2008	(680215)
129	10/22/2008	(681913)
130	10/22/2008	(683722)
131	10/27/2008	(681915)
132	10/27/2008	(689395)
133	12/17/2008	(700377)
134	12/17/2008	(700554)
135	12/17/2008	(700684)
136	01/23/2009	(723362)

137 02/12/2009 (725603)
 138 02/23/2009 (721200)
 139 02/25/2009 (721086)
 140 03/23/2009 (724081)
 141 03/31/2009 (721110)
 142 04/02/2009 (721239)
 143 04/06/2009 (735984)
 144 04/13/2009 (737599)
 145 05/04/2009 (742009)
 146 05/07/2009 (721108)
 147 05/14/2009 (742336)
 148 05/14/2009 (742369)
 149 05/15/2009 (742614)
 150 06/08/2009 (748045)
 151 06/15/2009 (741840)
 152 06/18/2009 (749690)
 153 06/26/2009 (741226)
 154 06/26/2009 (741229)
 155 06/26/2009 (744650)
 156 06/29/2009 (744640)
 157 07/09/2009 (761445)
 158 07/10/2009 (761443)
 159 07/16/2009 (747717)
 160 07/16/2009 (748015)
 161 07/21/2009 (740037)
 162 07/21/2009 (749074)
 163 07/22/2009 (748331)
 164 07/24/2009 (763376)
 165 08/14/2009 (749838)
 166 09/03/2009 (761484)
 167 09/24/2009 (764071)
 168 09/28/2009 (747907)
 169 09/30/2009 (764332)
 170 10/09/2009 (749318)
 171 10/29/2009 (776679)
 172 11/02/2009 (780705)

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

- 1 **Date: 11/22/2004 (341024) CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 4634B, S.C. No.1 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to minimize the emissions with in MAERT.
- 2 **Date: 11/22/2004 (341355) CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 Description: Failure to submit the initial notification of the emissions event (Incident #44588) within 24 hours after the start of incident.
 Self Report? NO Classification: Moderate
 Citation: 19480, S.C.No.1 PERMIT
 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to prevent the PSV from lifting and causing the release of air pollutants to the atmosphere
- 3 **Date: 11/22/2004 (341455) CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 Description: Failure to submit the initial notification of the emissions event (Incident #45190) within 24 hours after the start of incident.
- 4 **Date: 12/30/2004 (344993) CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Permit #4634B, Special Condition #1 PERMIT
 Description: Failure to control unauthorized emissions.
- 5 **Date: 12/30/2004 (345344) CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to control excess opacity.
- 6 **Date: 12/31/2004 (345634) CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to control excess opacity.

Date: 12/12/2005 (435274) CN600124705

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 O-02259, SC 1A OP

Description: Failure to equip open-ended lines in HAP service with plugs or caps. The percentage of the open-ended lines in HAP was 3%. Failure to equip open-ended lines in HAP service with plugs or caps.

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

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

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

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

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

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

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

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

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

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)(2)
 O-02259, SC 1A OP

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

Date: 12/12/2005 (435301) CN600124705

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

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

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

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 NSR 19480, SC 4E PERMIT
 O-02260, SC 1A OP
 O-02260, SC 20 OP

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

NSR 19480, SC 4F PERMIT
O-02260, SC 1A OP
O-2260, SC 20 OP

Description: Failure to conduct quarterly monitoring on a valve during 1st quarter and 2nd quarter of 2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
O-02260, SC 1A OP

Description: Failure to maintain the flare minimum heating value of 300 Btu/scf during reactor regeneration processes on October 9 and 10, 2004, and on December 9 through 11, 2004. The flare (319Z4) is used to control emissions from overhead accumulators (86T1VENT and 86T8VENT) off columns in the Aromatics Unit under HON.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
O-02260, SC 1A OP

Description: Failure to monitor two pumps during April, May, and June of 2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164
O-02260, SC 1A OP

Description: Failure to meet fugitive emissions standards for Compressors 22C1 and 86C1.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
NSR 19480, SC 4F PERMIT
O-02260, SC 1A OP
O-02260, SC 20 OP

Description: Failure to tag and monitor valves and connectors associated with Compressor 22C1.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
O-02260, SC 1A OP

Description: Failure to perform a five-day first repair attempt on a valve in the Aromatics/Isoprene Unit.
Date: 02/28/2006 (452437) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
NSR 19558, SC 2E PERMIT
NSR 20993, SC 9E PERMIT
O-02261, SC 1A & 13 OP

Description: Complex failed to equip eight open-ended lines in hazardous air pollutant (HAP) with a plug or cap in the fugitive area BDFUG, and also failed to equip two open-ended lines in HAP with a plug or cap in the fugitive area MTBEFUG.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)
O-02261, SC 1A OP

Description: Bayou Complex failed to submit a required semiannual report by July 23, 2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
O-02261, SC 1A OP

Description: Bayou Complex failed to monitor four pumps during July of 2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(c)(1)
O-02261, SC 1A OP

Description: Complex failed to de-inventory the associated tank 320T802 by August 30, 2005 to repair the leaking flange on the associated pump 320P802.
Date: 06/23/2006 (457277) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Title V O-01287, SC 1A OP

Description: Equistar failed to meet the minimum Btu requirement of 300 Btu/scf on two occasions for the main flare (319Z4).
Self Report? NO Classification: Minor

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Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR 4634B, SC 19E PERMIT
 Title V O-01287, SC 1A and 14 OP
 Description: Equistar failed to equip three open-ended lines with caps or plugs.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR 4634B, SC 19E PERMIT
 Title V O-01287, SC 1A and 14 OP
 Description: Equistar failed to equip one open-ended line with a cap or plug.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR 4634B, SC 19E PERMIT
 Title V O-01287, SC 1A and 14 OP
 Description: Equistar failed to equip two open-ended lines with caps or plugs.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR 4634B, SC 19E PERMIT
 Title V O-01287, SC 1A and 14 OP
 Description: Equistar failed to equip two open-ended lines with caps or plugs.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter D 115.354(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Title V O-01287, SC 1A OP
 Description: Equistar failed to identify and monitor 31 valves, 54 connectors, and one pump for fugitive emissions between March 25, 2005 and April 28, 2005 in the fugitive area FOLEFINS.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Title V O-01287, SC 1A OP
 Description: Equistar failed to submit a copy of the relative accuracy test audit (RATA) test reports for Furnaces 91H1-1, 91H1-3, 91H1-7, and 91H1-8 to the Office of Compliance and Enforcement.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Title V O-01287, SC 1A OP
 Description: Equistar failed to continuously operate predictive emissions monitoring system (PEMS) to monitor NOx on five occasions.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)(5)(C)(iii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Title V O-1287, SC 1A OP
 Description: Equistar failed to perform the required annual PEMS testing on Furnace 91H1-5 within the annual time frame.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Title V O-01287, SC 1A OP
 Description: Equistar failed to submit written notifications of RATA tests for Furnaces 91H1-2, 91H1-5, and 91H1-6 within the required time frame.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Date: 09/11/2006 (490208) CN600124705

Self Report? NO Classification: Moderate

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

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

Date: 10/31/2006 (516242) CN600124705

Self Report? NO Classification: Moderate

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

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

Date: 11/16/2006 (517613) CN600124705

Self Report? NO Classification: Moderate

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

Description: Failure to prevent a pinhole leak on piping.

Date: 03/06/2007 (532588) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02259, SC 1A OP

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

Date: 03/09/2007 (497404) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)

Description: RE failed to conduct a CEMS or PEMS performance evaluation 60 days after startup of a unit following installation of emissions controls

Date: 03/09/2007 (497419) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(ii)(II)

Description: The Regulated Entity (RE) failed to conduct a CEMS or PEMS performance evaluation within 60 days after startup of a unit following installation of emissions controls.

Date: 04/06/2007 (532553) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01287, SC 1A OP

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

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

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

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01287, SC 1A OP
Description: Failure to submit a PBR within 10 days of the modification to authorize the increase in emissions.

18 Date: 05/08/2007 (532583) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02261 OP
Permit 19558, SC 2E PA
Description: Failure to plug/cap all open-ended lines.

19 Date: 05/10/2007 (532558) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02260, SC 1A OP
Permit 19480, SC 4E PERMIT
Description: Failure to plug/cap all open-ended lines.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02260, SC 1A OP
Permit 19480, SC 4H, 4I PERMIT
Description: Failure to repair a pump seal leak within 15 days.

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

21 Date: 04/01/2008 (610486) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-02260 SC 1A OP
FOP O-02260 SC 20 OP
NSR 19480 SC 10A PA
NSR 19558 SC 9 PA
Description: Equistar failed to meet the minimum heat requirement for Flare 318Z3. (FOP O-02660; NSR 19480 and 19558)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 1A OP
 FOP O-02260 SC 20 OP
 NSR 19480 SC 4E PA
 Description: Equistar failed to cap open-ended lines violation Category C10. (FOP O-02260; NSR 19480)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.119(c)(2)(v)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 1A OP
 Description: Equistar failed to equip tank 320T913 with vacuum breaker gaskets from June 17,2003 to March 14, 2007.
 (FOP O-02260; NSR 4634B)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.119(c)(2)(viii)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 1A OP
 Description: Equistar failed to equip tank 320T913 with sample hatch gaskets from June 17, 2003 to March 14, 2007.
 (FOP O-02260; NSR 4634B)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 1A OP
 Description: Equistar failed to monitor fugitive components. One deviation occurred when 505 valves and 795 connectors that
 are located downstream of the equipment leading to the flare header were not monitored from October 23, 2006 to
 April 5, 2007. (FOP O-02260)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 1A OP
 Description: Equistar failed to maintain identification records of fugitive components. One deviation occurred when 505 valves
 and 795 connectors that are located downstream of the equipment leading to the flare header were excluded from
 identification and recordkeeping from October 23, 2006 to April 5, 2007. The other deviation was caused by a software
 malfunction which resulted in 5 valves not being monitored during the second quarter of 2007. (FOP O-02260)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 20 OP
 NSR 19558 SC 7 PA
 Description: Equistar failed to limit the flow rate of cooling tower CT-1 to the permitted level. The regulated entity reported as a
 deviation one incidence when it was discovered that from April 19 to 21, 2007. (FOP O-02260; NSR 19558)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 22 OP
 Description: Equistar failed to submit the required form for the registration of PBR 106.261 in a timely manner in 2006. (FOP O-02260)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-02260 SC 22 OP
 Description: Equistar failed to maintain records during the maintenance activities on a transmitter and a PSV that were conducted
 under PBR 106.263. (FOP O-02260)
Date: 05/05/2008 (610607) CN600124705
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.247(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02259 OP
 Description: Failure to submit the Stage II Exemption report within the deadline.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP#O-02259, SC#1A OP
 Description: Failure to install vacuum breaker gaskets on tanks.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
 5C THSC Chapter 382 382.085(b)
 FOP O-02259, SC#12A OP
 Description: Failure to attempt repair or isolate a leak with 15 calendar days.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02259, SC#1A OP
 Description: Failure to control sump from section F-street and G-street separators.
Date: 05/21/2008 (671318) CN600124705

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Equistar failed to properly maintain the furnace box.
Date: 05/23/2008 (671635) CN600124705

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 TCEQ Air Permit No. 19480, SC #1 PERMIT
 Description: Equistar failed to prevent a fire in the distillation column.
Date: 03/31/2009 (721110) CN600124705

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 2(f) OP
 Description: Failure to report reportable opacity event to the TCEQ. (CATEGORY B3 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to include all deviations in the deviation report. (CATEGORY C3 violation)
Date: 04/02/2009 (721239) CN600124705

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7C PERMIT
 Special Terms and Conditions 17 OP
 Special Terms and Conditions 1A OP
 Description: Failure to sample the wet air oxidation treatment unit effluent during operation in December 2007. [Category C1 Violation]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8E PERMIT
 Special Terms and Conditions 17 OP
 Special Terms and Conditions 1A OP
 Special Terms and Conditions 1F OP
 Special Terms and Conditions 1O(v) OP
 Description: Failure to properly cap or plug open-ended lines. [Category C10 Violation]

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Special Condition 1 PERMIT
 Special Terms and Conditions 17 OP
 Description: Failure to maintain annual emissions of NOx and CO below the permitted limit for the main flare (EPN 319Z4). [Category B18 Violation]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.112a(a)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(v)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions 1A OP
 Special Terms and Conditions 4 OP

Description: Failure to maintain vacuum breaker vents in a closed position during normal operation for tank 90T20. [Category B18 Violation]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 171 PERMIT
 Special Terms and Conditions 17 OP
 Special Terms and Conditions 1A OP

Description: Failure to repair a leaking component within fifteen days of its discovery [Category C4 Violation]
Date: 05/08/2009 (721108) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
 5C THSC Chapter 382 382.085(b)
 NSR 19480 Special Condition 10A PERMIT
 NSR 19480 Special Condition 2 PERMIT
 NSR 19480 Special Condition 3 PERMIT
 OP O-02260 Special Term & Condition 1 OP
 OP O-02260 Special Term & Condition 14 OP
 OP O-02260 Special Term & Condition 23 OP

Description: Failure to maintain the allowable minimum BTU/scf limit for flares. (CATEGORY B18 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 19558 Special Condition 7 PERMIT
 OP O-02260 Special Term & Condition 23 OP

Description: Failure to maintain the allowable average flow rate through the cooling tower. (CATEGORY B18 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
 5C THSC Chapter 382 382.085(b)
 NSR 19480 Special Condition 2 PERMIT
 OP O-02260 Special Term & Condition 23 OP

Description: Failure to monitor pumps for leak detection. (CATEGORY C3 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 4634B Special Condition 17E PERMIT
 NSR 4634B Special Condition 8C PERMIT
 OP O-02260 Special Term & Condition 23 OP
 OP O-2260 Special Term & Condition 1F OP

Description: Failure to prevent an open ended line on a drain valve. (CATEGORY C10 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 OP O-02260 General Terms & Conditions OP
 OP O-02260 Special Term & Condition 4 OP

Description: Failure to maintain flare flame and pilot for control device. (CATEGORY B18 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
 5C THSC Chapter 382 382.085(b)
 NSR 19480 Special Condition 2 PERMIT
 OP O-02260 Special Term & Condition 23 OP

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

Date: 06/05/2009 (741840) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(7)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Equistar failed to meet the affirmative defense due to late reporting.

F. Environmental audits.

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

Disclosure Date: 06/09/2005
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.356(5)
 Description: Failure to maintain leak records.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)
 Description: Failure to maintain leak tags.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
 Description: Failure to conduct monitoring.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(b)
 Description: Failure to seal an open ended line.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
 Description: Failed to make first repair attempt within 5 day of detecting a leak.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
 Description: Failure to use Test Method 21.

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

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 03/14/2008
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.132
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)
 Description: The list of BWON wastes was not complete. Waste not in the TAB report: 86T8 Hydrotreater drain tank; 94T18 caustic drain tank; 93T12 cracked gas compressor decontam vessel; 92T7 Quench oil decontam drain tank; 92T8 Quench water decontam drain tank; 23T24 solvent sump tank; 23T10/23T27 solvent recovery tank; 94S4 spent caustic; 94S4 Wash oil; 90T19 olefins unit slop oil; TTEG blowdown to 20S1; Drainings such as instrumentation blowdowns, sight glasses, samples; cooling tower blowdown; lab samples
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)
 Description: A records review at the site was conducted to assess the quantity of benzene in waste streams that contribute towards the 2 Mg exemption limit. Beginning in April 2008, the site conducted quarterly "end of line" sampling to monitor the BWON waste streams discharged to the uncontrolled sewer against the 2 Mg exemption limit. "End of Line" sampling has indicated that the 2 Megagram exemption limit was exceeded for reporting year 2008.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)
 Description: Each off-site waste shipment did not include the required notification. The information in the waste profile did not accompany each shipment.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.132
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351
 Description: Not all fixed-roof tanks were properly included in the BWON controlled waste management system including: 25T9-1; 25T9-2; 94T18; 93T12; 92T7 92T8 92T9; 25T10; 94T20; V1060, 23T10, 23T27.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.132
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)
 Description: All the emission monitoring and visual inspections for some containers required to be included in the controlled waste management system have not been performed, including: vacuum trucks, laboratory samples containers, pilot plant containers.
 Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

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

No DOV Associated

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

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

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

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

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

Disclosure Date: 07/01/2008

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

Description: Failure to maintain a complete emergency response plan.

8

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

No DOV Associated

9

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

Disclosure Date: 02/28/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

Disclosure Date: 03/14/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

Disclosure Date: 10/09/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

Disclosure Date: 01/08/2009

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2009-1896-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Equistar Chemicals, LP ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Aileen M. Hooks of the law firm of Baker Botts L.L.P., appear before the Commission and together stipulate that:

1. Respondent operates a chemical manufacturing complex known as the Chocolate Bayou Complex, located on FM 2917, 12 miles south of Alvin and 1.5 miles southeast of Liverpool in Brazoria County, Texas (the "Facility"). The Facility involves the management and/or the disposal of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. On January 6, 2009, Respondent filed a petition for bankruptcy relief pursuant to United States Code ("U.S.C.") Ch. 11 in the United States Bankruptcy Court of the Southern District of New York (the "Bankruptcy").
4. On February 12, 2009, Respondent filed a motion in the Bankruptcy requesting authorization to idle the Facility and reject unexpired leases related to the Facility ("Rejection Motion").
5. On March 13, 2009, the Bankruptcy Court granted the Rejection Motion and ordered Respondent to assume or reject its lease at the Facility by August 4, 2009. Respondent began preparations to transition the Facility to other entities by August 4, 2009.
6. On August 4, 2009, the Bankruptcy Court ordered Respondent to maintain the status quo at the Facility, including ongoing maintenance and security, until Respondent filed a motion to abandon property under 11 U.S.C. § 554(a).

7. On October 16, 2009, Respondent filed a motion to abandon property under 11 U.S.C. § 554(a).
8. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
9. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
10. On April 20, 2010, Respondent entered into a Settlement Agreement with Solutia, Inc. and Ascend Performance Materials LLC outlining requirements for the ongoing maintenance and decommissioning of the Facility, with Respondent maintaining responsibility for such activities. The Bankruptcy Court approved the Settlement Agreement on April 26, 2010.
11. An administrative penalty in the amount of sixty-seven thousand fifty dollars (\$67,050.00) is assessed by the Commission in settlement of the violations alleged in Section II. At the time of the violations Alleged in Section II, Respondent remained as a debtor in possession and no trustee or examiner had been appointed. The Automatic Stay imposed by 11 U.S.C. § 362(a) does not apply to the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power, by virtue of the exception set out at 11 U.S.C. § 362(b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 U.S.C. § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's Environmental Protection Laws, and in seeking to liquidate its damages for such violations. These violations having been incurred post-petition, pre-confirmation are entitled to be treated as administrative expense priority for purpose of the claims hierarchy of payment from the bankruptcy estate. So long as Respondent's bankruptcy proceedings are pending and/or until relief from the automatic stay is granted, the TCEQ will not, however, seek to execute upon any monetary judgment obtained without first approaching the United States Bankruptcy Court where the Respondent's bankruptcy case is pending as necessary, after consultation with the Office of the Attorney General ("OAG").
12. 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.
13. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
14. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
15. 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.

16. 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

1. During an investigation conducted on October 29, 2009, a TCEQ Houston Regional Office investigator alleged that Respondent violated:
 - a. 30 TEX. ADMIN. CODE § 335.62 and 40 Code of Federal Regulations ("C.F.R.") § 262.11 by failing to conduct hazardous waste determinations and classifications for each solid waste generated at the Facility. Specifically, Respondent did not conduct hazardous waste determinations and classifications for the content of more than 20 pieces of equipment and associated piping in the Olefins Unit, at least 18 pieces of equipment and associated piping in the Hydrocarbon Unit, and approximately 43 tanks in the Distribution Area.
 - b. 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 C.F.R. §§ 262.34(b) and 265.190 by failing to obtain a permit to operate a hazardous waste storage facility and failing to comply with the 90-day accumulation time limitation for storing hazardous waste. Also, by failing to prevent the accumulation and/or storage of hazardous waste in tanks without secondary containment, integrity assessment, and recordkeeping. Specifically, Tank 825 indicated characteristically hazardous for Methanol and Tanks 247-1 and 972 indicated characteristically hazardous for Toluene. These hazardous wastes had been accumulating since July 30, 2009 without secondary containment, integrity assessment, and recordkeeping.
 - c. 30 TEX. ADMIN. CODE § 335.6(c) by failing to update the Notice of Registration ("NOR") for any changes or additional information within 90 days of the occurrence of such changes or becoming aware of such additional information. Specifically, the NOR was not updated to reflect the Facility's current primary contact information, current operational status of waste streams, and waste management units including former product tanks and piping.
2. Respondent received notice of the alleged violations on or about November 7, 2009.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent be assessed an administrative penalty as set forth in Section I, Paragraph 11, above. The assessment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. However, the agreement by Respondent to the assessment of a penalty is expressly not in lieu of or an alternative to compliance with all injunctive requirements in this

Agreed order. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments when paid shall be made payable to "Texas Commission on Environmental Quality" and sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2009-1896-IHW-E" to:

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

2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall inventory all feedstock, products, intermediates and other liquids, solids and residues remaining in equipment and associated piping in the Olefins Unit, in equipment and associated piping in the Hydrocarbons Unit, and in tanks owned by Respondent in the Distribution Area (collectively the "Materials"). Any wastes that have been and/or that are generated during the Facility exit process, and all Materials at the Facility classified as wastes (the "Wastes") shall also be inventoried.
 - b. Within 90 days after the effective date of this Agreed Order, Respondent shall submit to the Commission an Inventory Report identifying a schedule for the removal and disposition of all Materials and Wastes in Ordering Provision 2.a. The Inventory Report shall include a table summarizing the results of the inventory with a tabulated list of tanks, vessels, and piping, their content, and the estimated quantity of Material in each and the location, nature, and estimated quantity of any Wastes.
 - c. Every 60 days after the Inventory Report in Ordering Provision 2.b. is submitted, Respondent shall submit Update Reports on the progress of removal and disposition of all Materials, the generation and disposition of all Wastes, and the status of closure activities at the Facility. Respondent shall submit supporting documentation related to the disposition of any Materials or Wastes. To the extent that wastes are generated during the Facility exit process, the Update Report shall include information to demonstrate the completion of the requirements of 30 TEX. ADMIN. CODE ch. 335 Subchapter R Waste Classification and any supporting documentation related to the disposition, shipment, and management of Wastes at authorized facilities. Unused feedstock, product, and intermediates at the Facility that Respondent transfers for use at another of Respondent's facilities or sells to a third-party are not solid wastes and are not subject to regulation as solid wastes.
 - d. On or before May 1, 2012, Respondent shall submit a final closure report for review by the TCEQ and will include information on the final disposition of: the Materials and Wastes; all waste management units listed on the Facility's NOR; and any other on-site units identified during the sampling and closure required by 30 TEX. ADMIN. CODE § 335.8. Respondent shall also submit updated notification

information to TCEQ of the current status of all waste management units and Facility activity status pursuant to 30 TEX. ADMIN. CODE § 335.6(c).

- e. The reporting obligations set forth in paragraphs 2.a. through 2.d. above shall replace the current weekly report being submitted to the TCEQ Houston Regional Office.
- f. Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and

Nicole Bealle, Waste Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk St., Ste, H
Houston, Texas 77023-1452

- 3. All relief not expressly granted in this Agreed Order is denied.
- 4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against 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.

8. 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.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

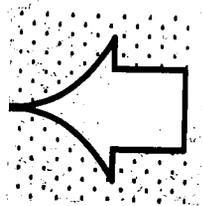
For the Commission



For the Executive Director

4/26/2011

Date

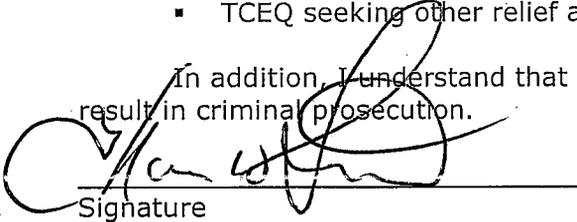


I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Equistar Chemicals, LP, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ is materially relying on such representation.

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

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

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



Signature

3/8/11

Date

DORE THOMAS W. SRNKA

Name (Printed or typed)
Authorized representative of
Equistar Chemicals, LP

DIRECTOR MANUFACTURING

Title