

Executive Summary – Enforcement Matter – Case No. 40866

LyondellBasell Acetyls, LLC

RN100224450

Docket No. 2010-2025-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Millennium Petrochemicals La Porte Plant, 1350 Miller Cut Off Road, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 6, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,175

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,588

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$8,587

Name of SEP: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$19,700

Applicable Penalty Policy: September 2002

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LyondellBasell Acetyls, LLC
RN100224450
Docket No. 2010-2025-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 11 and 23, 2010

Date(s) of NOE(s): October 22, 2010 and November 30, 2010

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, 7,900 pounds ("lbs") of vinyl acetate monomer ("VAM") were released into the atmosphere from the Vinyl Acetate Storage Tank, Emissions Point Number V605, in the VAM Unit during an emissions event (Incident No. 142283) that began on July 13, 2010 and lasted one hour and five minutes. The event occurred due to a leak at the manway gasket on the V605 Storage Tank in the VAM Unit. This was determined to be an excessive emissions event [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4751, Special Conditions No. 6].

2. Failed to prevent unauthorized emissions. Specifically, 1,006 lbs of ethylene were released into the atmosphere when a lower than desired reactor steam drum temperature during a startup activity caused an increase in oxygen that tripped the B Reactor Train and opened an emergency vent valve on the Dry Drum. The emissions event (Incident No. 143413) occurred on August 11, 2010 and lasted two minutes. Since the Respondent failed to submit sufficient information regarding the cause of the oxygen increase, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4751, Special Conditions No. 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that:

a. On July 13, 2010, the Respondent installed the appropriate sized gasket at the manway on EPN V605 (Incident No. 142283);

b. On January 7, 2011, the Respondent adjusted the reactor steam drum temperature to maintain the reactor oxygen feed rate at a maximum allowable reactor inlet oxygen concentration (Incident No. 143413); and

c. On March 15, 2011, the Respondent demonstrated that the corrective actions in the approved Corrective Action Plan to address the excessive emissions event that occurred on July 13, 2010 was completed (Incident No. 142283).

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Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
Respondent: Ms. Courtney F. Ruth, LaPorte Site Manager, LyondellBasell Acetyls, LLC, 1350 Miller Cut Off Road, La Porte, Texas 77571
Ms. Katy Miller, Environmental Engineer, LyondellBasell Acetyls, LLC, 1350 Miller Cut Off Road, La Porte, Texas 77571
Respondent's Attorney: N/A

Attachment A
Docket Number: 2010-2025-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	LyondellBasell Acetyls, LLC
Payable Penalty Amount:	Seventeen Thousand One Hundred Seventy-Five Dollars (\$17,175)
SEP Amount:	Eight Thousand Five Hundred Eighty-Seven Dollars (\$8,587)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program
Location of SEP:	Harris County

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

LyondellBasell Acetyls, LLC
Agreed Order - Attachment A

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	6-Dec-2011	Screening	15-Dec-2010	EPA Due	
	PCW	23-Mar-2011				

RESPONDENT/FACILITY INFORMATION			
Respondent	LyondellBasell Acetyls, LLC		
Reg. Ent. Ref. No.	RN100224450		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	40866	No. of Violations	2	
Docket No.	2010-2025-AIR-E	Order Type	Findings	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Roshondra Lowe	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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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	197.0% Enhancement	Subtotals 2, 3, & 7	\$24,625

Notes: Enhancement for seven NOVs with same/similar violations, 11 NOVs with dissimilar violations, five orders with a denial of liability, one order without a denial of liability, and one court order with a denial of liability. Reduction for nine Notice of Audit letters submitted and three disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$78	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$3,500		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$36,875
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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	\$36,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,175
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$17,175
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Screening Date 15-Dec-2010

Docket No. 2010-2025-AIR-E

PCW

Respondent LyondellBasell Acetyls, LLC

Policy Revision 2 (September 2002)

Case ID No. 40866

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224450

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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	1	25%
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>)	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 197%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven NOVs with same/similar violations, 11 NOVs with dissimilar violations, five orders with a denial of liability, one order without a denial of liability, and one court order with a denial of liability. Reduction for nine Notice of Audit letters submitted and three disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 197%

Screening Date 15-Dec-2010

Docket No. 2010-2025-AIR-E

PCW

Respondent LyondellBasell Acetyls, LLC

Policy Revision 2 (September 2002)

Case ID No. 40866

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224450

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

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

Violation Description Failed to prevent unauthorized emissions. Specifically, 7,900 pounds ("lbs") of vinyl acetate monomer ("VAM") were released into the atmosphere from the Vinyl Acetate Storage Tank, Emissions Point Number V605, in the VAM Unit during an emissions event (Incident No. 142283) that began on July 13, 2010 and lasted one hour and five minutes. The event occurred due to a leak at the manway gasket on the V605 Storage Tank in the VAM Unit. This event was determined to be an excessive emissions event.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$31,200

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

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 40866
Reg. Ent. Reference No. RN100224450
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$500	13-Jul-2010	15-Mar-2011	0.67	\$17	n/a	\$17
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 expense to implement measures and procedures designed to prevent a reoccurrence of the events leading to a leak at the manway gasket on the V605 Storage Tank. The date required is the violation date. The final date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$17

Screening Date 15-Dec-2010

Docket No. 2010-2025-AIR-E

PCW

Respondent LyondellBasell Acetyls, LLC

Policy Revision 2 (September 2002)

Case ID No. 40866

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224450

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 2

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

Violation Description

Failed to prevent unauthorized emissions. Specifically, 1,006 lbs of ethylene were released into the atmosphere when a lower than desired reactor steam drum temperature during a startup activity caused an increase in oxygen that tripped the B Reactor Train and opened an emergency vent valve on the Dry Drum. The emissions event (Incident No. 143413) occurred on August 11, 2010 and lasted two minutes. Since the Respondent failed to submit sufficient information regarding the cause of the oxygen increase, the demonstrations necessary for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes Corrective actions were completed on January 7, 2011, after the November 30, 2010 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$61

Violation Final Penalty Total \$7,550

This violation Final Assessed Penalty (adjusted for limits) \$7,550

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 40866
Req. Ent. Reference No. RN100224450
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$3,000	11-Aug-2010	7-Jan-2011	0.41	\$61	n/a	\$61

Notes for DELAYED costs

Estimated expense to prevent an increase in oxygen during a normal startup of the B Reactor Train. The date required is the violation date. The final date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$61

Compliance History

Customer/Respondent/Owner-Operator: CN603674862 LyondellBasell Acetyls, LLC Classification: AVERAGE Rating: 28.52
 Regulated Entity: RN100224450 MILLENNIUM PETROCHEMICALS LA Classification: AVERAGE Site Rating: 28.52
 PORTE PLANT

ID Number(s):	STORMWATER	PERMIT	TXR05Z361
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HX1726J
	AIR OPERATING PERMITS	PERMIT	1375
	WASTEWATER	PERMIT	WQ0000534000
	WASTEWATER	EPA ID	TX0002836
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD058276130
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30049
	AIR NEW SOURCE PERMITS	REGISTRATION	91696
	AIR NEW SOURCE PERMITS	PERMIT	4751
	AIR NEW SOURCE PERMITS	PERMIT	5040
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HX1726J
	AIR NEW SOURCE PERMITS	REGISTRATION	76037
	AIR NEW SOURCE PERMITS	AFS NUM	4820101487
	AIR NEW SOURCE PERMITS	REGISTRATION	80295
	AIR NEW SOURCE PERMITS	REGISTRATION	80967
	AIR NEW SOURCE PERMITS	REGISTRATION	94034
	AIR NEW SOURCE PERMITS	REGISTRATION	91436
	AIR NEW SOURCE PERMITS	REGISTRATION	87551
	AIR NEW SOURCE PERMITS	PERMIT	83843
	IHW CORRECTIVE ACTION	PERMIT	50231
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00556
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HX1726J

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 17, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 17, 2006 to February 17, 2011

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

Name: Roshondra Lowe Phone: (713) 767-3553

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
N/A

5. When did the change(s) in owner or operator occur?

N/A

6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

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

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

Classification: Moderate

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

Rqmt Prov: 5040, Special Condition #1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Air Quality Permit No. 5040 OP

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 08/10/2007 ADMINORDER 2006-1988-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #4751, SC #5 PERMIT

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

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

Classification: Moderate

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

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

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

Effective Date: 10/01/2008 COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(2)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to monitor all pumps monthly for leaks.

Classification: Moderate

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

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to monitor all valves quarterly for leaks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Failure to monitor all connectors annually for leaks.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: NSR Permit 4751 Special Condition 6 PERMIT
ST&C 13 OP

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

Classification: Moderate

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

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

Description: Failure to install monitoring equipment on scrubber.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter C 115.216(1)(A)(iv)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to Continuously monitor Barge Loading Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to maintain storage tank openings in the shut position, at all times.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 1A OP
Description: Failure to perform a 10 year inspection on a HON storage tank.
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 12 OP
Description: Failure to follow the Title V Operating Permit Special Provisions
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 12 OP
Description: Failure to check Degreaser in accordance with Permit O-02326 Periodic Monitoring
Summary.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, General Condition 8 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to maintain Catalytic Oxidizer emissions to less than MAERT.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(j)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 1A OP
Description: Failure to submit an updated Notice of Compliance Status (NCS) for VAM Loading Rack.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to monitor HON Heat Exchanger Systems for leaks.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit Initial Benzene Quantity Report.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter A 63.9(i)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751 SC 11 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to submit request for alternative HON reporting dates.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2515(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to provide an Initial Notice for 40 CFR 63 : Miscellaneous Organic chemical Manufacturing.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 4A(iii) OP

Description: Failure to perform annual visible emissions observation as required by Title V Permit.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 1A OP

Description: Failure to repair leaking components within 15 days.
Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.788(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 2(iv) OP

Description: Failure to provide 30 days notice prior to HRVOC Audit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, General Condition 8 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to maintain barge loading emissions within the MAERT.
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751 SC 2G PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to maintain monthly loading emissions records.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(b)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC11 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to provide 30 day notice prior to Loading Scrubber performance test.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.129(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to record Operating Parameters during Loading Scrubber test.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.129(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to establish a range of operations for the Loading Scrubber.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to submit Loading Scrubber operating parameters in the Notice of Compliance Status.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.128(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to conduct an acceptable Loading Scrubber Performance Test.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to include in HON semi-annual reports that Loading Scrubber operates outside established parameters.

Classification: Minor

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

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

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

Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.130(f)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to maintain records of weight average HAP partial pressure for Loading Rack.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.130(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, SC 11 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to continuously record specific operating parameters during loading operations.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751 SC 6 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to maintain Loading Scrubber 1st stage flow-rate to greater than 4 gpm.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(C)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 1A OP
Description: Failure to maintain rail-car lids and hatches closed during the loading process.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to vent pressurized rail-cars to a control device.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, General Condition 8 PERMIT
Title V - O-02326, ST&C 13 OP
Description: Failure to maintain Loading Rack fugitive emissions within MAERT.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 13 OP
Description: Failure to obtain authorization for the Degreaser operations.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 13 OP
Description: Failure to obtain authorization for Painting operations.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, ST&C 14 OP

Description: Failure to maintain painting records.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 4751, General Condition 1 PERMIT
Title V - O-02326, ST&C 13 OP

Description: Failure to operate the Loading Rack within permit representations.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Title V - O-02326, General Conditions OP
Description: Failure to report all deviations.

Effective Date: 01/28/2010 ADMINORDER 2009-0133-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit Special Condition 14 PERMIT
Description: Failed to meet the minimum requirement of 98% DRE or the 20 parts per million volumetric dry ("ppmvd") concentration limit for HAP.

Effective Date: 08/30/2010 ADMINORDER 2009-2068-AIR-E

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

Rqmt Prov: SPECIAL CONDITION 6 OP
Description: Failed to prevent unauthorized emissions.

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 11/07/2006 (450812)
- 2 05/02/2006 (453212)
- 3 02/28/2006 (457031)
- 4 04/28/2006 (457893)
- 5 05/03/2006 (463915)
- 6 02/22/2006 (468064)
- 7 03/23/2006 (468065)
- 8 07/24/2006 (481150)
- 9 04/24/2006 (497961)

10 05/25/2006 (497962)
11 06/26/2006 (497963)
12 08/18/2006 (519975)
13 09/19/2006 (519976)
14 09/19/2006 (519977)
15 10/26/2007 (531204)
16 04/16/2007 (531517)
17 12/07/2006 (531830)
18 12/07/2006 (532388)
19 08/24/2007 (532482)
20 07/26/2007 (532485)
21 12/29/2006 (535507)
22 02/06/2007 (537440)
23 03/27/2007 (539393)
24 02/20/2007 (544217)
25 11/20/2006 (544218)
26 12/20/2006 (544219)
27 01/05/2007 (544220)
28 04/30/2007 (555742)
29 06/08/2007 (556983)
30 12/18/2007 (566753)
31 03/20/2007 (574833)
32 04/19/2007 (574834)
33 05/17/2007 (574835)
34 06/20/2007 (574836)
35 07/19/2007 (574837)
36 09/12/2007 (594292)
37 10/23/2007 (596085)
38 08/20/2007 (601449)
39 09/20/2007 (601450)
40 10/19/2007 (601451)

41 09/20/2007 (601452)
42 12/11/2007 (610689)
43 12/03/2007 (610692)
44 01/29/2008 (613325)
45 11/20/2007 (619371)
46 12/20/2007 (619372)
47 02/19/2008 (671862)
48 03/19/2008 (671863)
49 04/10/2008 (671864)
50 04/10/2008 (671865)
51 08/18/2008 (688749)
52 05/20/2008 (689797)
53 06/20/2008 (689798)
54 01/13/2009 (709743)
55 08/19/2008 (710544)
56 09/20/2008 (710545)
57 10/20/2008 (710546)
58 10/16/2008 (710547)
59 03/06/2009 (721246)
60 11/12/2008 (727348)
61 03/17/2010 (737211)
62 06/18/2009 (746997)
63 06/17/2009 (749621)
64 06/18/2009 (749770)
65 02/17/2009 (750071)
66 03/18/2009 (750072)
67 04/15/2009 (750073)
68 03/30/2009 (750074)
69 12/16/2008 (750075)

70 08/12/2009 (764619)
71 08/31/2009 (767790)
72 05/19/2009 (768234)
73 06/10/2009 (768235)
74 11/02/2009 (780334)
75 12/16/2009 (783495)
76 02/16/2010 (789494)
77 03/23/2010 (790273)
78 03/31/2010 (794189)
79 06/04/2010 (799708)
80 02/17/2010 (804233)
81 08/24/2009 (804234)
82 02/25/2010 (804235)
83 10/22/2009 (804236)
84 11/18/2009 (804237)
85 12/15/2009 (804238)
86 01/20/2010 (804239)
87 06/07/2010 (824695)
88 08/11/2009 (827780)
89 03/16/2010 (830715)
90 04/12/2010 (830716)
91 05/18/2010 (830717)
92 07/20/2010 (841085)
93 10/22/2010 (843608)
94 06/15/2010 (846213)
95 09/13/2010 (860230)
96 07/13/2010 (860811)
97 09/24/2010 (864524)
98 08/18/2010 (866773)
99 11/30/2010 (870156)

100 11/18/2010 (872588)
 101 09/16/2010 (873847)
 102 12/10/2010 (877249)
 103 01/31/2011 (877831)
 104 12/10/2010 (880142)
 105 09/16/2010 (881451)
 106 01/25/2011 (887759)
 107 11/18/2010 (887981)
 108 02/01/2011 (892171)
 109 02/07/2011 (894701)
 110 12/16/2010 (896178)

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

Date: 03/31/2006 (497961) CN603674862
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (497963) CN603674862
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (544219) CN603674862
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/26/2007 (532485) CN603674862
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5040, Special Condition 9E PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01375, Special Condition 10 OP
 O-01375, Special Condition 1A OP
 Description: Failure to equip two open-ended lines with a cap, blind flange, plug or a second valve.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5040, Special Condition 8 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01375, Special Condition 10 OP

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

Description: Failure to perform weekly visual pump inspections
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
5040, Special Condition 9F PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
O-01375, Special Condition 1A OP

Description: Failure to monitor valves
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5040, Special Condition 9I PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
O-01375, Special Condition 1A OP

Description: Failure to repair fugitive components within required time frame
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5040, Special Condition 1 PERMIT
5040, Special Condition 5 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP
O-01375, Special Condition 1A OP

Description: Failure to maintain minimum BTU value in gas flared in the Acetic Acid Flare and exceedance of permitted limit for CO
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5040, Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 10 OP

Description: Failure to prevent unauthorized emissions during the loading of acetic acid railcars
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, General Terms and Conditions OP

Description: Failure to include all deviations in the deviation report submitted for the April 1 through September 30, 2005 reporting period
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01375, Special Condition 2F OP

Description: Failure to create the final records for 8 recordable emission events within 14 days after discovery of the events
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5040, Special Condition 1 PERMIT

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

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

Date: 08/24/2007 (532482) CN603674862

Self Report? NO Classification: Minor

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

Description: Late creation of final records for emission events

Self Report? NO Classification: Moderate

Citation: 2326, Special Condition 13 OP
2326, Special Condition 1A OP
30 TAC Chapter 115, SubChapter D 115.354(1)(A)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
4751, Special Condition 1F PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 27 valves and one process drain

Self Report? NO Classification: Minor

Citation: 2326, Special Condition 13 OP
2326, Special Condition 1A OP
30 TAC Chapter 115, SubChapter D 115.352(9)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(d)(2)
4751, Special Condition 1F PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to replace failed rupture discs at the earliest opportunity

Self Report? NO Classification: Minor

Citation: 2326, Special Condition 13 OP
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
4751, Special Condition 1E PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-2326, Special Condition 1A OP

Description: Failure to equip 13 open-ended lines with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Moderate

Citation: 2326, Special Condition 2(iv) OP
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor connectors in HRVOC service.

Self Report? NO Classification: Moderate

Citation: 2326, Special Condition 13 OP
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: **Hourly emissions from the Thermal Oxidizing Flare exceeded permitted limits**

Self Report? NO Classification: Moderate

Citation: 2326, Special Condition 2(ii) OP
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to follow calibration procedures for the HRVOC Cooling Tower Analyzers

Self Report? NO Classification: Moderate
 Citation: 2326, Special Condition 13 OP
 2326, Special Condition 1A OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 4751, Special Condition 8 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to maintain minimum BTU value in Vinyl Acetate Flare

Self Report? NO Classification: Minor
 Citation: 2326, Special Condition 2(ii) OP
 30 TAC Chapter 115, SubChapter H 115.725(l)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to continuously monitor a pressure relief valve in HRVOC service

Self Report? NO Classification: Minor
 Citation: 2326, Special Condition 10C OP
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to include Catalytic Oxidizer in SSM plan

Self Report? NO Classification: Moderate
 Citation: 2326, Special Condition 2(iv) OP
 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Late first repair attempt for leaking fugitive components in HRVOC service

Self Report? NO Classification: Minor
 Citation: 2326, Special Condition 1A OP
 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to maintain records of leak test date

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

Self Report? NO Classification: Minor
 Citation: 2326, General Terms and Conditions OP
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to submit complete deviation report

Self Report? NO Classification: Moderate
 Citation: 2326, Special Condition 2(ii) OP
 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to perform initial multi-point calibration for the VA flare

Date: 05/31/2008 (689798) CN603674862
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (710544) CN603674862
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/06/2009 (721246) CN603674862
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to certify the first six months of the certification period. (Category C3

violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #12A OP
Special Condition #1H PERMIT
Special Terms and Conditions #1A OP
Description: Failed to have tagged leaking components tags for numbers 06885 and 06689.1.
(Category C4 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition #12A OP
Special Condition #12C PERMIT
Special Terms and Conditions #1A OP
Description: The opacity from the flare, VAFLARE, had exceeded five minutes. (Category C4
violation)

Date: 06/17/2009 (746997) CN603674862
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to properly operate and maintain the sanitary sewer package wastewater
treatment plants.

Date: 06/30/2009 (750074) CN603674862
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/11/2009 (827780) CN603674862
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2009 (804236) CN603674862
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/18/2010 (737211) CN603674862
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)
 Special Condition 7E PA
 Special Conditions 1A and 20 OP
 Description: Failure to prevent an OEL in AA unit (Category C10).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2F OP
 Description: Failure to create a final record of non-reportable emission events within two weeks of the end of the event (Category C3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1H PA
 Special Conditions 1A and 20 OP
 Description: Failure to maintain a tag on leaking components within the VAM unit (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(5)(i)
 5C THSC Chapter 382 382.085(b)
 Special Conditions 1A and 20 OP
 Description: Failure to maintain proper deck openings on above-ground storage tanks VAV573, VAV574, VAV575, VAV576, VAV577, VAV787, VAV605 (Category B18).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to maintain TVA daily calibration records (Category C3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report deviations constitutes a violation of 30 TAC 122.145(2)(C) (Category C3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10D PA
 Special Condition 20 OP
 Description: Failure to calibrate a liquid flow monitoring device at least annually (EPN AARTSC) (Category C4).
 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)
 Special Condition 10E PA
 Special Condition 20 OP
 Description: Failure to calibrate a monitoring device at least annually (EPN AARTSC) (Category C4).

Date: 03/24/2010 (790273)

CN603674862

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 TCEQ Permit No. 4571, SC #6 PERMIT

Description: Millennium failed to close two valves resulting in unauthorized emissions.

Date: 07/31/2010 (866773) CN603674862
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/23/2010 (872588) CN603674862
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Air Permit No. 4751, SC #6 PERMIT
Description: LyonellBasell failed to prevent a system upset resulting in unauthorized emissions.

Date: 12/09/2010 (877249) CN603674862
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Description: LyondellBasell failed to prevent an increase of oxygen concentration in the B Reaction Train.

Date: 02/01/2011 (877831) CN603674862
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
FOP STC 1(A) OP
NSR SC 12(C) PERMIT

Description: Failure to operate the flare (Unit ID: VAFIare) without visible emissions on December 1, 2009. [Category C4]

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 STC 1(A) OP
NSR SC 1(E) PERMIT
NSR SC 7(E) PERMIT

Description: Failure to seal four open-ended lines while in HAP and VOC service on October 7, 2009; January 25, 2010; February 23, 2010 at Unit ID: VAMFUG; and on February 26, 2010 at Unit ID: AAFUG.

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 SC 6(A) PERMIT

Description: Failure to maintain the water flow rate of four gallons per minute (gpm) on Tank Scrubber Unit ID: AASCV5118 from May 15, 2010 through May 20, 2010. [Category C4]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP STC 1(A) OP

Description: Failure to maintain continuous monitoring for the VAM unit (Unit ID: V5128RV1) during the period from February 1, 2009 through March 25, 2009. [Category C4]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

FOP STC 1(A) OP

Description: Failure to conduct the required high-reactive volatile organic compound (HRVOC) sample, between March 29, 2010 and March 30, 2010, for the VAM flare after an analyzer fault occurred. [Category C7]

F. Environmental audits.

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

Disclosure Date: 04/29/2008

Viol. Classification: Moderate

Citation: 4F TWC Chapter 63, SubChapter A 63.163

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Description: Failure to conduct monthly monitoring for specific components.

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

Description: Failure to maintain Heavy Liquid Equipment Lists.

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

Disclosure Date: 03/31/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

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

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

Viol. Classification: Moderate

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

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

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

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 08/20/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-1375

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

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

No DOV Associated

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

No DOV Associated

Notice of Intent Date: 11/04/2009 (792376)

No DOV Associated

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
LYONDELLBASELL ACETYLS, LLC	§	
RN100224450	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-2025-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding LyondellBasell Acetyls, LLC (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant at 1350 Miller Cut Off Road in La Porte, Harris County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on August 11, 2010, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 7,900 pounds ("lbs") of vinyl acetate monomer ("VAM") were released into the atmosphere from the Vinyl Acetate Storage Tank, Emissions Point Number ("EPN") V605, in the VAM Unit during an emissions event (Incident No. 142283) that began on July 13, 2010 and lasted one hour and five minutes. The event occurred due to a leak at the manway gasket on the V605 Storage Tank in the VAM Unit. The TCEQ determined that this emissions event was an excessive emissions event.
4. During an investigation conducted on August 23, 2010, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 1,006 lbs of ethylene were released into the atmosphere when a lower than desired reactor steam drum temperature during a startup activity caused an increase in oxygen that tripped the B Reactor Train and opened an emergency vent valve on the Dry Drum. The emissions event (Incident No. 143413) occurred on August 11, 2010 and lasted two minutes. The TCEQ determined that the Respondent failed to submit sufficient information regarding the cause of the oxygen increase.
5. The Respondent received notice of the violations on October 25, 2010 and December 5, 2010.
6. The Executive Director recognizes that:
 - a. On July 13, 2010, the Respondent installed the appropriate sized gasket at the manway on EPN V605 (Incident No. 142283);
 - b. On January 7, 2011, the Respondent adjusted the reactor steam drum temperature to maintain the reactor oxygen feed rate at a maximum allowable reactor inlet oxygen concentration (Incident No. 143413); and
 - c. On March 15, 2011, the Respondent demonstrated that the corrective actions in the approved Corrective Action Plan to address the excessive emissions event that occurred on July 13, 2010 was completed (Incident No. 142283).

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4751, Special Conditions No. 6. This was determined to be an excessive emissions event.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4751, Special Conditions No. 6. Since the Respondent failed to submit sufficient information regarding the cause of the oxygen increase, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Seventeen Thousand One Hundred Seventy-Five Dollars (\$17,175) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Eight Thousand Five Hundred Eighty-Eight Dollars (\$8,588) of the administrative penalty. Eight Thousand Five Hundred Eighty-Seven Dollars (\$8,587) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seventeen Thousand One Hundred Seventy-Five Dollars (\$17,175) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LyondellBasell Acetyls, LLC, Docket No. 2010-2025-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Eight Thousand Five Hundred Eighty-Seven Dollars (\$8,587) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment

- A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 7. 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.
 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 9. 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.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolner
For the Executive Director

5/20/2011
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of LyondellBasell Acetyls, LLC. I am authorized to agree to the attached Agreed Order on behalf of LyondellBasell Acetyls, LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, LyondellBasell Acetyls, LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Courtney F. Ruth
Signature

3-28-11
Date

Courtney F. Ruth
Name (Printed or typed)
Authorized Representative of
LyondellBasell Acetyls, LLC

La Porte Site Manager
Title

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

Attachment A
Docket Number: 2010-2025-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	LyondellBasell Acetyls, LLC
Payable Penalty Amount:	Seventeen Thousand One Hundred Seventy-Five Dollars (\$17,175)
SEP Amount:	Eight Thousand Five Hundred Eighty-Seven Dollars (\$8,587)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program
Location of SEP:	Harris County

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

LyondellBasell Acetyls, LLC
Agreed Order - Attachment A

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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