

**Executive Summary – Enforcement Matter – Case No. 41104
Equistar Chemicals, LP
RN100210319
Docket No. 2011-0198-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2010-1794-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 17, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,000

Amount Deferred for Expedited Settlement: \$4,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$8,000

Name of SEP: Barbers Hill Independent School District – Barbers Hill Energy
Efficiency Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Maximum Limit Adjustment: \$15,150

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 26, 2010 and October 28, 2010

Date(s) of NOE(s): January 11, 2011 and January 26, 2011

Violation Information

1. Failed to prevent unauthorized emissions due to the restriction of the dimethylformamide flow to the Acetylene Absorber. Specifically, unauthorized emissions of 1,036.03 pounds ("lbs") of volatile organic compounds ("VOC") including 990.40 lbs of ethylene which is a highly reactive VOC ("HRVOC"), 1,587.01 lbs of carbon monoxide ("CO"), and 192.17 lbs of nitrogen oxides ("NOx") were released from the Elevated Flare, EPN QE8050B, in the Olefins Unit during an emissions event (Incident No. 146173) that occurred on October 16, 2010 and lasted two hours and 35 minutes. Since this event was preventable, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit Nos. 18978 and PSD-TX-752M3, Special Conditions No. 1].

2. Failed to prevent unauthorized emissions and to limit HRVOCs to 1,200 lbs per hour when a power loss to the 480V bus in the 13-A substation caused the AB3 Unit to shut down. Specifically, unauthorized emissions of 13,741.50 lbs of VOCs, including 11,653.80 lbs of ethylene which is an HRVOC, 291.10 lbs of CO, and 58.77 lbs of NOx were released from the AB3 Flare, and AB3 Reactor Vents, and the Process Relief Valves in the AB3 Polyethylene Unit during an emissions event (Incident No. 146017) that occurred on October 12, 2010 and lasted 27 minutes. Since this event was preventable, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 4477, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

- a. With regard to Incident No. 146173, by January 5, 2011, developed guidance to address the proper technique for entering setpoints or controller outputs, emphasizing the verification step (type once, read twice); and
- b. With regard to Incident No. 146017:

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- i. By October 12, 2010, properly secured the metal panel in the 13-A substation, and put the substation back into service; and
- ii. By April 18, 2011, updated the Switchgear Closure Checklist to include two items: 1) Final Visual Inspection of Enclosure before Close Up; and 2) Lyondellbasell Approval.

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: Trina Grieco, Enforcement Division,
Enforcement Team 5, MC R-13, (210) 403-4006; Laurie Eaves, Enforcement Division,
MC 219, (512) 239-4495
TCEQ SEP Coordinator: Phillip Hampsten, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-6732
Respondent: Courtney Ruth, La Porte Site Manager, Equistar Chemicals, LP, P.O.
Drawer D, La Porte, Texas 77536-1900
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0198-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Equistar Chemicals, LP

Penalty Amount: Sixteen Thousand Dollars (\$16,000)

SEP Offset Amount: Eight Thousand Dollars (\$8,000)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District

Project Name: *Barbers Hill Energy Efficiency Program*

Location of SEP: Chambers and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset 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 SEP offset amount will be used to perform energy efficiency upgrades on public buildings and infrastructure. Specifically, the SEP offset amount may only be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); 3) the incremental cost of purchase of more energy-efficient equipment or appliances (versus the cost of purchasing non-energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

The SEP offset amount may be used to conduct energy efficiency audits on its buildings to prioritize implementation of energy efficiency projects. The results of those audits along with any proposed modifications and associated budgets and proposal for expenditure will be submitted to TCEQ. Modifications may include, but are not limited to, weatherization, cool roofs, energy-reduction modifications such as replacing heating, ventilation, and cooling (HVAC) systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and boosting

productivity through increased use of daylighting, installation of LED traffic lights, and use of renewable energy sources. The environmental benefit of each project will be quantified and the results of those calculations will be submitted to TCEQ within 90 days of completion of each project.

The Third-Party Recipient certifies that it has no prior budgetary commitment to do this project and that it is not receiving duplicative funding to perform this project. The Third-Party Recipient agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize SEP offset amount. The Third-Party Recipient certifies that it shall not use SEP offset amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law. The Third-Party Recipient agrees to use a competitive bid process or other mechanism to ensure that costs of the project are reasonable and customary.

The SEP offset amount will be used solely for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, the Third-Party Recipient shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of the SEP offset amount.

B. Environmental Benefit

Implementation of this Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NO_x), and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

Respondent shall contribute at least the SEP offset 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, Respondent shall contribute the SEP offset amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Equistar Chemicals, LP
Agreed Order - Attachment A

Barbers Hill ISD
Attention: John Johnson
Carl R. Griffiths & Associates
2901 Turtle Creek Drive, Suite 445
Port Arthur, TX 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 offset amount.

In the event of incomplete performance, Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall mail it to:

Texas Commission on Environmental Quality
Office of Legal Services Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 offset amount identified in this Agreed Order has not been, and shall not be, included as a SEP for 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	31-Jan-2011	Screening	10-Feb-2011	EPA Due	8-Oct-2011
	PCW	21-Apr-2011				

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

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	41104	Order Type	1660
Docket No.	2011-0198-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		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:	\$7,500
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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	377.0% Enhancement	Subtotals 2, 3, & 7:	\$28,275
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Notes: Enhancement for 19 same/similar NOV's, 10 dissimilar NOV's, 6 orders with denial of liability, 4 orders without denial of liability, one court order with denial of liability, and one EPA Consent Decree with denial of liability. Reduction for 10 notices of intent to conduct an audit and four 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:	\$625
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Economic Benefit	0.0% Enhancement*	Subtotal 6:	\$0
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Total EB Amounts: \$19
Approx. Cost of Compliance: \$3,100
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal:	\$35,150
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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	\$35,150
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty:	\$20,000
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DEFERRAL	20.0% Reduction	Adjustment:	-\$4,000
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Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,000
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Screening Date 10-Feb-2011

Docket No. 2011-0198-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 41104

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Trina Grieco

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>)	19	95%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	10	-10%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%
<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) 377%

>> 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 19 same/similar NOVs, 10 dissimilar NOVs, 6 orders with denial of liability, 4 orders without denial of liability, one court order with denial of liability, and one EPA Consent Decree with denial of liability. Reduction for 10 notices of intent to conduct an audit and four disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 377%

Screening Date 10-Feb-2011

Docket No. 2011-0198-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 41104

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit Nos. 18978 and PSD-TX-752M3, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions due to the restriction of the dimethylformamide flow to the Acetylene Absorber. Specifically, unauthorized emissions of 1,036.03 pounds ("lbs") of volatile organic compounds ("VOC") including 990.40 lbs of ethylene which is a highly reactive VOC ("HRVOC"), 1,587.01 lbs of carbon monoxide ("CO"), and 192.17 lbs of nitrogen oxides ("NOx") were released from the Elevated Flare, EPN QE8050B, in the Olefins Unit during an emissions event (Incident No. 146173) that occurred on October 16, 2010 and lasted two hours and 35 minutes. Since this event was preventable, the demonstrations 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 has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent completed corrective actions on January 5, 2011, prior to the January 11, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$11,300

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

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 41104
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	16-Oct-2010	5-Jan-2011	0.22	\$17	n/a	\$17

Notes for DELAYED costs

Estimated cost to develop guidance to address the proper technique for entering setpoints or controller outputs, emphasizing the verification step (type once, read twice). The date required is the date of the event and 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

\$1,500

TOTAL

\$17

Screening Date 10-Feb-2011

Docket No. 2011-0198-AIR-E

PCW

Respondent: Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 41104

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator: Trina Grleco

Violation Number 2

Rule Cite(s)

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

Violation Description

Failed to prevent unauthorized emissions and to limit HRVOCs to 1,200 lbs per hour when a power loss to the 480V bus in the 13-A substation caused the AB3 Unit to shut down. Specifically, unauthorized emissions of 13,741.50 lbs of VOCs, including 11,653.80 lbs of ethylene which is an HRVOC, 291.10 lbs of CO, and 58.77 lbs of NOx were released from the AB3 Flare, and AB3 Reactor Vents, and the Process Relief Valves in the AB3 Polyethylene Unit during an emissions event (Incident No. 146017) that occurred on October 12, 2010 and lasted 27 minutes. Since this event was preventable, the demonstrations 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 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of contaminants that did not exceed protective levels as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

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 \$3

Violation Final Penalty Total \$23,850

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

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 41104
Req. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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
Other (as needed)	\$1,500	12-Oct-2010	12-Oct-2010	0.00	\$0	n/a	\$0
Other (as needed)	\$100	12-Oct-2010	18-Apr-2011	0.52	\$3	n/a	\$3

Notes for DELAYED costs: Estimated cost to properly secure the metal panel in the 13-A substation and put the substation back into service (\$1,500) and to update the Switchgear Closure Checklist (\$500). The date required is the date of the event and the final dates are the dates 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 \$1,600 **TOTAL** \$3

Compliance History

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

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0770G
	AIR OPERATING PERMITS	PERMIT	1606
	AIR OPERATING PERMITS	PERMIT	2223
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000025809
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	85436
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50383
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00553
	WASTEWATER	PERMIT	WQ0004013000
	WASTEWATER	EPA ID	TX0119792
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012680
	AIR NEW SOURCE PERMITS	PERMIT	19109
	AIR NEW SOURCE PERMITS	PERMIT	4477
	AIR NEW SOURCE PERMITS	PERMIT	5226
	AIR NEW SOURCE PERMITS	PERMIT	5836
	AIR NEW SOURCE PERMITS	PERMIT	18978
	AIR NEW SOURCE PERMITS	PERMIT	22043
	AIR NEW SOURCE PERMITS	REGISTRATION	38605
	AIR NEW SOURCE PERMITS	REGISTRATION	40078
	AIR NEW SOURCE PERMITS	REGISTRATION	42401
	AIR NEW SOURCE PERMITS	REGISTRATION	43676
	AIR NEW SOURCE PERMITS	REGISTRATION	45099
	AIR NEW SOURCE PERMITS	REGISTRATION	46127
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0770G
	AIR NEW SOURCE PERMITS	AFS NUM	4820100055
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX818
	AIR NEW SOURCE PERMITS	REGISTRATION	42349
	AIR NEW SOURCE PERMITS	REGISTRATION	70535
	AIR NEW SOURCE PERMITS	PERMIT	49122
	AIR NEW SOURCE PERMITS	REGISTRATION	53934
	AIR NEW SOURCE PERMITS	REGISTRATION	53387
	AIR NEW SOURCE PERMITS	REGISTRATION	74666
	AIR NEW SOURCE PERMITS	REGISTRATION	76465
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M3
	AIR NEW SOURCE PERMITS	REGISTRATION	77716
	AIR NEW SOURCE PERMITS	REGISTRATION	77957
	AIR NEW SOURCE PERMITS	REGISTRATION	79239
	AIR NEW SOURCE PERMITS	PERMIT	83822
	AIR NEW SOURCE PERMITS	REGISTRATION	51737
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M2
	AIR NEW SOURCE PERMITS	REGISTRATION	86948
	AIR NEW SOURCE PERMITS	REGISTRATION	91251
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1122
	AIR NEW SOURCE PERMITS	REGISTRATION	83481
	AIR NEW SOURCE PERMITS	EPA ID	N74
	AIR NEW SOURCE PERMITS	REGISTRATION	89879
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M1
	AIR NEW SOURCE PERMITS	REGISTRATION	90257

WATER LICENSING	LICENSE	1012680
STORMWATER	PERMIT	TXR05N516
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	50383
	(SWR)	
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	85436
	(SWR)	
IHW CORRECTIVE ACTION	PERMIT	50383
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0770G

Location: 1515 MILLER CUT OFF RD, HARRIS COUNTY, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 20, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 20, 2006 to January 20, 2011

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

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 12/02/2006 ADMINORDER 2006-0295-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: No.18978, Special Condition No. 1 PERMIT
 Description: Equistar failed to maintain an emission rate below the allowable emission limits.

Effective Date: 08/10/2007 ADMINORDER 2006-1232-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: No. 18978, Special Condition No. 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: TCEQ Air Permit No. 4477, SC 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
 30 TAC Chapter 101, SubChapter F 101.201(b)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: No. 18978, Special Condition. 1 PERMIT
 Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: no # 4477 SP #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/10/2007 ADMINORDER 2006-1932-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Permit #4477, Special Condition #1 PA
Description: Failed to prevent unauthorized emissions and meet the highly reactive volatile organic compounds ("HRVOC") hourly cap.

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit #4477, SC#1 PA
Description: Failure to prevent unauthorized emissions of ethylene from PSV V4202RV1 to the atmosphere.

Effective Date: 02/25/2008 ADMINORDER 2007-0519-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit #18978 PA
Special Condition 1 PERMIT

Description: failed to prevent unauthorized emissions

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

Description: Failed to prevent unauthorized emissions

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

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

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

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: SC No.1 PERMIT
TCEQ AIR PERMIT #18978, SC1 PERMIT

Description: Equistar failed to control unauthorized emissions on December 13, 2005.

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

Rqmt Prov: Permit #4477, Special Condition #1 PA
Description: Failed to control unauthorized emissions on March 4, 2006

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

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

Effective Date: 10/01/2008 COURTOORDER

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Air Permit #4477, SC #1 PA
Description: Equistar exceeded the VOC permit limit during an avoidable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent unauthorized emissions of 1,016.5 lbs of the HRVOC and HAP ethylene from a hole in a pipe in the AB3 LDPU on October 28, 2003 that lasted 2 hours.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ AIR Permit No. 4477 PA
Description: Failed to prevent unauthorized emissions of 6,316 lbs of the HRVOCs and HAPs ethylene and propylene and 354 lbs of particulate matter (PM) from the reactor vents in AB3 LDPU and 80.69 lbs of the HRVOCs and HAPs ethylene and propylene from EPN L3FLARE, in the AB3 LDPU on February 9, 2004 that lasted 2 hours and 17 minut
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit #18978, SC# 1 PA
Description: Failed to prevent unauthorized emissions of 10,666 lbs of VOCs, which included the HRVOC butene and the HRVOCs and HAPs 1,3-butadiene and ethylene, 17,363 lbs of CO, and 3,184.60 lbs of NOx from EPN QE8050B in the QE1 Olefins Unit on May 28, 2004 that lasted 9 hours.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC No. 5 PERMIT
Description: Failure to monitor 4,041 valves in VOC service using Method 21.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
Description: Failure to monitor 3882 valves in VOC service using Method 21.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
Description: Failure to monitor 2,476 connectors in VOC service in the olefins unit using 40 Code of Federal Regulations (CFR) part 60, Method 21.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
SC No. 5 PERMIT
Description: Failure to cap or plug 48 open ended lines in the olefins unit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC No. 5 PERMIT
Description: Failure to maintain the main flare minimum heating value of 300 BTU/scf during the propylene dryer regeneration periods in the olefins unit on sixteen occasions.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report some instances of deviations (CEMS down times, semiannual reporting, regeneration periods, and fugitive monitoring deviations) in the olefins unit in the report dated December 15, 2003.
Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit the semiannual reports regarding continuous emissions monitoring system (CEMS) down times in the olefins unit for the year 2003.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnace (EPN: QE1009B) in the olefins unit below 0.035 lb/MMBTU for more than 4% of the operating time for two consecutive quarterly reporting periods (Second and Third quarter of 2003).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1008B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below 0.035 lb/MMBTU during the deviation period.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1009B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below the MAERT limit during the deviation period.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC No. 1 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions of 965 lbs of they HRVOCs and HAPs ethylene and vinyl acetate and 72 lbs of PM from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 Polyethylene Unit on April 12, 2004 that lasted 5 minutes.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions of 1,034.71 lbs of VOCs, which included the

HRVOC acetylene and the HRVOCs and HAPs ethylene and propylene, 538.99 lbs of CO, and 92.51 lbs of NOx from EPN QE3050B ethylene from the QE1 Olefins on July 4, 2004 that lasted 22 hours and 35 minutes.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions of 8,949 lbs of HRVOCs which included the HRVOC butene and the HRVOC and HAP ethylene from the emergency vents in the Q1 Polyethylene Unit and 80.96 VOCs, including 57.4 HRVOCs and 47.51 lbs of CO from EPN HSFLARE in the Q1 Polyethylene Unit on February 1, 2004 that lasted 21 ho

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 4477 Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #4477 PA

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 19109, SC 12.F PERMIT
O-01606, SC 1.A OP

Description: Failure to monitor 209 valves in VOC service in the Q1 Unit using 40 CFR part 60, Method 21.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Minor

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Effective Date: 01/28/2010

ADMINORDER 2008-0958-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent failure of the Secondary Compressor's (C4202) thermocouple cable which caused the shut down of the compressor and the reactor vents to open to the atmosphere.

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: Failure to provide the additional information requested by the TCEQ within the timeframe established by the request.

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent the shutdown of C-4202 Secondary Compressor which resulted in unauthorized emissions.

Effective Date: 06/18/2010

ADMINORDER 2009-2024-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the tripping of the Propylene Refrigeration Compressor.

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to power failure caused by mechanical vibration of the relay trip contact.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions due to communication hardware malfunction.

Effective Date: 08/09/2010

ADMINORDER 2009-0154-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 101266 on December 12, 2007 the following unauthorized emissions were released from the Elevated Flare over a period of one hour and 15 minutes: 603.7 pounds ("lbs") of ethylene, 893.5 lbs of carbon monoxide ("CO") and 117.7 lbs of nitrogen oxides ("NOx"). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 102875 on January 26, 2008 the following unauthorized emissions were released from the High Pressure Separator Relief Valve over a period of five hours and 33 minutes: 886 lbs of ethylene, 221 lbs of vinyl acetate and 1 lb of propylene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

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

Rqmt Prov: Permit #18978 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103287 on February 4, 2008 the following unauthorized emissions were released from the Elevated Flare and the Acetylene Recovery Unit ("ARU") Flare over a period of five hours and 30 minutes: 3,461.8 lbs of volatile organic compounds ("VOCs"), 4,502 lbs of CO and 626 lbs of NOx. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Effective Date: 08/21/2010

ADMINORDER 2009-1781-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

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

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/07/2006	(345081)
2	01/26/2006	(431992)
3	02/22/2006	(432284)
4	02/02/2006	(439295)
5	02/02/2006	(439522)
6	02/15/2006	(439561)
7	02/02/2006	(439633)
8	02/24/2006	(451235)
9	02/21/2006	(453963)
10	03/16/2006	(454029)
11	03/08/2006	(454488)
12	03/16/2006	(454588)
13	03/16/2006	(454636)
14	04/26/2006	(455073)
15	06/27/2006	(455404)
16	06/27/2006	(455405)
17	02/23/2006	(455883)
18	03/16/2006	(455964)
19	02/28/2006	(456463)
20	02/25/2006	(456913)
21	02/28/2006	(457026)
22	02/28/2006	(457167)
23	03/13/2006	(458226)
24	08/23/2006	(458894)
25	04/19/2006	(462735)

26	05/11/2007	(462772)
27	06/21/2006	(462913)
28	05/25/2006	(463280)
29	05/31/2006	(466933)
30	05/26/2006	(467363)
31	05/26/2006	(467375)
32	05/26/2006	(467379)
33	05/26/2006	(467382)
34	05/26/2006	(467391)
35	05/26/2006	(467396)
36	08/11/2006	(467626)
37	08/11/2006	(467635)
38	06/21/2006	(481795)
39	06/22/2006	(483443)
40	06/30/2006	(483762)
41	06/29/2006	(484570)
42	07/11/2006	(484826)
43	07/17/2006	(485587)
44	08/08/2006	(485874)
45	07/17/2006	(485923)
46	07/14/2006	(486946)
47	09/05/2006	(488631)
48	09/05/2006	(488651)
49	08/09/2006	(490279)
50	02/22/2006	(492904)
51	03/23/2006	(492905)
52	09/08/2006	(497595)
53	04/24/2006	(506468)
54	05/25/2006	(506469)
55	06/26/2006	(506470)
56	07/19/2006	(506471)
57	11/20/2006	(514502)
58	10/20/2006	(516121)
59	10/20/2006	(516554)
60	10/20/2006	(516566)
61	11/17/2006	(516921)
62	10/31/2006	(517252)
63	12/18/2006	(517871)
64	11/16/2006	(519602)
65	08/18/2006	(528685)
66	09/19/2006	(528686)
67	09/19/2006	(528687)
68	01/19/2007	(531635)
69	02/05/2007	(531641)
70	12/11/2006	(531680)
71	02/26/2007	(532609)
72	02/16/2007	(532610)
73	04/12/2007	(532611)
74	07/09/2007	(532634)
75	03/20/2007	(532775)

76	12/13/2006	(533373)
77	05/14/2007	(534972)
78	01/26/2007	(535998)
79	03/20/2007	(536006)
80	02/20/2007	(536017)
81	04/05/2007	(542368)
82	04/05/2007	(542369)
83	04/05/2007	(542370)
84	03/05/2007	(542456)
85	02/20/2007	(551951)
86	11/20/2006	(551952)
87	12/20/2006	(551953)
88	01/19/2007	(551954)
89	04/12/2007	(554892)
90	06/01/2007	(554895)
91	05/15/2007	(558701)
92	07/12/2007	(558881)
93	07/13/2007	(559650)
94	05/31/2007	(561392)
95	07/25/2007	(563252)
96	07/10/2007	(565209)
97	07/18/2007	(565509)
98	08/28/2007	(570434)
99	11/27/2007	(570521)
100	10/09/2007	(571528)
101	09/07/2007	(571530)
102	03/20/2007	(589296)
103	04/19/2007	(589297)
104	05/17/2007	(589298)
105	06/20/2007	(589299)
106	07/19/2007	(589300)
107	11/15/2007	(594689)
108	10/15/2007	(594690)
109	10/15/2007	(594692)
110	10/11/2007	(594693)
111	10/15/2007	(594694)
112	10/09/2007	(594695)
113	09/28/2007	(594920)
114	11/16/2007	(597973)
115	01/28/2008	(598307)
116	12/12/2007	(598310)
117	08/20/2007	(605806)
118	09/06/2007	(605807)
119	10/19/2007	(605808)
120	09/20/2007	(605809)
121	12/12/2007	(609039)
122	01/29/2008	(609101)
123	08/28/2008	(610625)
124	01/24/2008	(610674)
125	12/11/2007	(610682)

126	12/10/2007	(610695)
127	01/17/2008	(610699)
128	12/20/2007	(612437)
129	02/08/2008	(612730)
130	02/13/2008	(612840)
131	01/25/2008	(613512)
132	01/25/2008	(613541)
133	01/14/2008	(613552)
134	01/25/2008	(613555)
135	01/25/2008	(613857)
136	01/25/2008	(613874)
137	01/25/2008	(614229)
138	01/15/2008	(614252)
139	04/01/2008	(616811)
140	03/10/2008	(616812)
141	02/28/2008	(618019)
142	04/03/2008	(619011)
143	11/20/2007	(631964)
144	12/20/2007	(631965)
145	03/31/2008	(636151)
146	04/06/2008	(637320)
147	05/09/2008	(638778)
148	04/22/2008	(638949)
149	05/01/2008	(638959)
150	05/07/2008	(638961)
151	05/28/2008	(638962)
152	07/14/2008	(638964)
153	04/07/2008	(639314)
154	05/16/2008	(641203)
155	04/07/2008	(641592)
156	06/16/2008	(646366)
157	06/19/2008	(646368)
158	07/03/2008	(653609)
159	07/11/2008	(653610)
160	07/14/2008	(653719)
161	05/19/2008	(671026)
162	02/19/2008	(677433)
163	03/19/2008	(677434)
164	04/10/2008	(677435)
165	04/10/2008	(677436)
166	07/31/2008	(686092)
167	07/31/2008	(686093)
168	10/28/2008	(686185)
169	12/04/2008	(688113)
170	08/20/2008	(688715)
171	08/18/2008	(688789)
172	09/04/2008	(689451)
173	05/20/2008	(696168)
174	06/20/2008	(696169)
175	12/04/2008	(700715)

176	01/15/2009	(709042)
177	02/20/2009	(709495)
178	08/19/2008	(717807)
179	09/20/2008	(717808)
180	10/20/2008	(717809)
181	10/16/2008	(717810)
182	06/29/2009	(721079)
183	03/05/2009	(721082)
184	02/25/2009	(721083)
185	02/25/2009	(721084)
186	08/28/2009	(721238)
187	11/12/2008	(733136)
188	02/25/2009	(735621)
189	06/08/2009	(739477)
190	05/05/2009	(739945)
191	08/20/2009	(741169)
192	05/18/2009	(741225)
193	06/16/2009	(743921)
194	06/18/2009	(749634)
195	02/17/2009	(756293)
196	03/18/2009	(756294)
197	03/30/2009	(756295)
198	03/30/2009	(756296)
199	12/16/2008	(756297)
200	08/24/2009	(759202)
201	09/17/2009	(761496)
202	10/12/2009	(763103)
203	09/16/2009	(764661)
204	11/24/2009	(764738)
205	08/10/2009	(764924)
206	08/06/2009	(764956)
207	12/22/2009	(765553)
208	10/14/2009	(766458)
209	10/15/2009	(767716)
210	05/19/2009	(773263)
211	06/10/2009	(773264)
212	12/04/2009	(775737)
213	12/04/2009	(776799)
214	12/10/2009	(779534)
215	11/02/2009	(780297)
216	12/03/2009	(781013)
217	12/16/2009	(781594)
218	03/26/2010	(784746)
219	08/02/2010	(784773)
220	12/17/2009	(785982)
221	01/12/2010	(787343)
222	02/24/2010	(787415)
223	02/25/2010	(787910)
224	02/26/2010	(792379)
225	04/06/2010	(795270)

226 06/10/2010 (800711)
 227 05/20/2010 (801432)
 228 02/17/2010 (819935)
 229 08/24/2009 (819936)
 230 02/25/2010 (819937)
 231 10/19/2009 (819938)
 232 11/18/2009 (819939)
 233 12/15/2009 (819940)
 234 01/20/2010 (819941)
 235 07/23/2010 (824428)
 236 07/23/2010 (825862)
 237 07/12/2010 (827614)
 238 07/20/2010 (828299)
 239 07/07/2010 (828468)
 240 03/16/2010 (836233)
 241 04/12/2010 (836234)
 242 05/18/2010 (836235)
 243 09/02/2010 (843399)
 244 09/17/2010 (844985)
 245 06/15/2010 (847919)
 246 10/11/2010 (857776)
 247 07/13/2010 (862337)
 248 10/08/2010 (865133)
 249 08/18/2010 (868952)
 250 11/05/2010 (873228)
 251 09/16/2010 (875804)
 252 11/12/2010 (877286)
 253 01/11/2011 (878361)
 254 12/02/2010 (879905)
 255 12/30/2010 (880157)
 256 09/16/2010 (883387)
 257 11/18/2010 (889776)

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

Date: 03/17/2006 (454588) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)
 Description: Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

Date: 03/17/2006 (454029) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 19109, Special Condition No. 1 PERMIT
 Description: Equistar failed to prevent an avoidable emissions event.

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

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

Date: 10/31/2006 (551952) 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: Equistar failed to maintain visible emissions from a portable diesel lighting system south of AB3 flare within the 30% opacity limit on October 23, 2004.

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

Date: 11/16/2006 (519602) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit #18978, SC#1 PA
Description: Failure to prevent the unauthorized emissions of HRVOC and VOC from the decoking drum.

Date: 11/16/2006 (519602) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Failure to include the permit number in the final report.

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

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

Date: 02/16/2007 (532610) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5836, Special Condition 4E PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to seal open-ended lines containing volatile organic compounds.

Date: 02/16/2007 (532610) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 1.A. OP
Description: Failure to maintain appropriate records of a land based volatile organic compound (VOC) transfer to a transport vessel.

Date: 02/16/2007 (532610) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 8.A.(I) OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4477, Special Condition 3 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 11.A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4477, Special Condition 9F PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 11.A OP

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

Date: 02/27/2007 (532609) CN600124705

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP
O-02223, Special Condition 13.A. OP
Permit 18978/PSD-TX-752M3, SC 13.H. PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP
O-02223, Special Condition 13.A. OP
Permit 18978/PSD-TX-752M3, SC 13.E. PERMIT

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

Self Report? NO Classification: Minor

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

Description: Failure to submit the CEMS downtime report in a timely manner.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to keep the degreaser lid closed.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 6.A.(i) OP
 Description: Failure to ensure trailers being filled with VOCs had a current annual leak test.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 1.A. OP
 Description: Failure to ensure the net heating value of flare QE8050B did not drop below 300 Btu/scf. (B19.g.(1))

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(2)
 Description: Failure to ensure the wastewater met the 10 ppm standard. (B19.g.(1))

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to stack test six diesel air compressors and one diesel engine pump. (B19.g.(1))

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 13.A. OP
 Permit 18978/PSD-TX-752M3, SC 1 PERMIT
 Description: Failure to ensure two diesel engines did not exceed the permitted tons/year allowable. (B19.g.(1))

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, General Terms and Conditions OP
 Description: Failure to include two compressors in the MAERT as emission points. (B19.g.(1))

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 3.A.(i) OP
 Description: Failure to prevent the exceedance of the opacity limit for the MAPD decoking process. (B19.g.(1))

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

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

Date: 04/04/2007 (542370) CN600124705

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Permit #4477, Special Condition #1.PA

Description: Failure to prevent unauthorized emissions of ethylene, particulate matter, and vinyl acetate/

Date: 04/05/2007 (542368) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit #4477, Special Condition #1 PA

Description: Failure to prevent the unauthorized emission of ethylene.

Date: 05/24/2007 (558701) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #18978 PA

Description: Failure to prevent the unauthorized emissions of HRVOC and VOC.

Date: 07/09/2007 (532634) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 6A PERMIT
Title V Permit O-01606, SC 1A & SC 9A OP

Description: failed to maintain the heating value of the gas being combusted being 300 Btu/scf or greater in the Q-1 Flare (HSFLARE) on December 11, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606 OP

Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the Q-1 Flare by January 31, 2006, and also failed to perform daily calibrations until March 17, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP

Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the cooling tower (Q1CT) until March 30, 2006, and also failed to perform daily calibrations on April 9 and 10, 2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP

Description: failed to install a continuous monitoring system to determine status of relief valves and duration of pressure relief events for pressure relief valves (HRVOC PSV) on the butene unloading system: PSV-R1779, PSV-R724, and PSV-J781RV.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP

Description: failed to maintain operating limits established during the HRVOC emission test on four occasions.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

NSR Permit 19109, SE 12E PERMIT
Title V Permit O-01606, SC 1A & 9A OP

Description: failed to equip open-ended lines with a plug or second valve on two occasions.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 1 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain VOC emissions from railcar unloading to storage.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 7D PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to continuously monitor the incinerator stack oxygen concentration on October 4, 2005.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 8 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to perform the required cylinder gas audit (CGA) on the oxygen analyzer by March 31, 2006.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 2 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to limit the volatile organic compounds (VOC) content in the polyethylene powder exiting the product purge bin to 100 ppm by weight on October 31, 2005.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 1 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain NOx emissions from the Q-1 Flare (HSFLARE) within the limit of 0.50 lb/hr.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 9 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain a sock filter on the powder feeder hopper on April 8, 2006.

Date: 07/10/2007 (565209) CN600124705

Description: Failure to prevent the lifting of safety relief valves which resulted in unauthorized emissions of ethylene to the atmosphere.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #4477, Special Condition #1 PERMIT

Date: 10/31/2007 (631964) CN600124705

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

Date: 11/16/2007 (597973) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Permit #4477, Special Condition #1 PERMIT
 Description: Failure to block in the High Pressure Separator overhead valve resulting in unauthorized emissions.

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

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

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

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

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

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

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements, No. 3, p. 12-13 PERMIT
 Description: Failure to properly complete the Discharge Monitoring Reports (DMRs) for total zinc at Outfall 001 in March 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14E PERMIT
 Special Condition 5 PERMIT
 Special Condition 6A PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1J(v) OP

Description: Failure to repair eleven (11) leaking components in HRVOC service within seven (7) days. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
 40 CFR Part 61, Subpart V 61.242-7(d)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14I PERMIT
 Special Condition 5 PERMIT
 Special Condition 6A PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP
 Special Term and Condition 1J(v) OP

Description: Failure to repair twelve (12) leaking components in HRVOC service within fifteen (15) days. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)
 Special Condition 11A PERMIT
 Special Condition 5 PERMIT
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 13 OP
 Special Term and Condition 1A OP

Description: Failure to maintain a closed lid on the Olefins degreaser while the degreaser was not in use. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Conditions 11C PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 13 OP

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

Date: 08/24/2009 (759202) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

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

Date: 08/28/2009 (721238) CN600124705

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Terms & Conditions 15 PERMIT

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
Special Terms & Conditions 12(E) PERMIT
Special Terms & Conditions 15 PERMIT
Special Terms & Conditions 1A PERMIT

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions 2F PERMIT

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

Date: 09/17/2009 (761496) CN600124705

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Equistar failed to prevent unauthorized emissions from the High Pressure Separator relief valve (L3Fug).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit the Initial Notification for a reportable emissions event within 24 hours of discovery of the event.

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

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

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

F. Environmental audits.

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

Notice of Intent Date: 07/27/2007 (593661)
Disclosure Date: 04/29/2008

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-2
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026

Description: Failure to monthly monitor specific components.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)

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

Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1064(g)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(e)(1)

Description: Failure to maintain Heavy Liquid Equipment Lists.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT NSR 4477

Description: Failure to close 4 open ended lines.

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

Disclosure Date: 03/31/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

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

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

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

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

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

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

Viol. Classification: Moderate

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

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

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

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

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 08/20/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-2225

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

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 09/17/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter H 115.782(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)

Description: Failure to ensure all components are repaired within 15 days of discovery.

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
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100210319

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-0198-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant at 1515 Miller Cut Off Road in Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about January 16 and 31, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty Thousand Dollars (\$20,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Dollars (\$8,000) of the

administrative penalty and Four Thousand Dollars (\$4,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eight Thousand Dollars (\$8,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. With regard to Incident No. 146173, by January 5, 2011, developed guidance to address the proper technique for entering setpoints or controller outputs, emphasizing the verification step (type once, read twice); and
 - b. With regard to Incident No. 146017:
 - i. By October 12, 2010, properly secured the metal panel in the 13-A substation, and put the substation back into service; and
 - ii. By April 18, 2011, updated the Switchgear Closure Checklist to include two items: 1) Final Visual Inspection of Enclosure before Close Up; and 2) Lyondellbasell Approval.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions due to the restriction of the dimethylformamide flow to the Acetylene Absorber, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit Nos. 18978 and PSD-TX-752M3, Special Conditions No. 1, as documented during a record review conducted on October 28, 2010. Specifically, unauthorized emissions of 1,036.03 pounds ("lbs") of volatile organic compounds ("VOC") including 990.40 lbs of ethylene which is a highly reactive VOC ("HRVOC"), 1,587.01 lbs of carbon monoxide ("CO"), and 192.17 lbs of nitrogen oxides ("NOx") were released from the Elevated Flare, EPN QE8050B, in the Olefins Unit during an emissions event (Incident No. 146173) that occurred on October 16, 2010 and lasted two hours and 35 minutes. Since this event was preventable, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
2. Failed to prevent unauthorized emissions and to limit HRVOCs to 1,200 lbs per hour when a power loss to the 480V bus in the 13-A substation caused the AB3 Unit to shut down, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 4477, Special Conditions No. 1, as documented during a record review conducted on October 26, 2010. Specifically, unauthorized emissions of 13,741.50 lbs of VOCs, including 11,653.80 lbs of ethylene which is an HRVOC, 291.10 lbs of CO, and 58.77 lbs of NOx were released from the AB3 Flare, and AB3 Reactor Vents, and the Process Relief Valves in the AB3 Polyethylene Unit during an emissions event (Incident No. 146017) that occurred on October 12, 2010 and lasted 27 minutes. Since this event was preventable, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2011-0198-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand Dollars (\$8,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 7/7/2011

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

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

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

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



Signature

Date 5-5-11

COURTNEY RUTH

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

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 IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-0198-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Equistar Chemicals, LP
Penalty Amount: Sixteen Thousand Dollars (\$16,000)
SEP Offset Amount: Eight Thousand Dollars (\$8,000)
Type of SEP: Pre-approved
Third-Party Recipient: Barbers Hill Independent School District
Project Name: *Barbers Hill Energy Efficiency Program*
Location of SEP: Chambers and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset 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 SEP offset amount will be used to perform energy efficiency upgrades on public buildings and infrastructure. Specifically, the SEP offset amount may only be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); 3) the incremental cost of purchase of more energy-efficient equipment or appliances (versus the cost of purchasing non-energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

The SEP offset amount may be used to conduct energy efficiency audits on its buildings to prioritize implementation of energy efficiency projects. The results of those audits along with any proposed modifications and associated budgets and proposal for expenditure will be submitted to TCEQ. Modifications may include, but are not limited to, weatherization, cool roofs, energy-reduction modifications such as replacing heating, ventilation, and cooling (HVAC) systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and boosting

productivity through increased use of daylighting, installation of LED traffic lights, and use of renewable energy sources. The environmental benefit of each project will be quantified and the results of those calculations will be submitted to TCEQ within 90 days of completion of each project.

The Third-Party Recipient certifies that it has no prior budgetary commitment to do this project and that it is not receiving duplicative funding to perform this project. The Third-Party Recipient agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize SEP offset amount. The Third-Party Recipient certifies that it shall not use SEP offset amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law. The Third-Party Recipient agrees to use a competitive bid process or other mechanism to ensure that costs of the project are reasonable and customary.

The SEP offset amount will be used solely for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, the Third-Party Recipient shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of the SEP offset amount.

B. Environmental Benefit

Implementation of this Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

Respondent shall contribute at least the SEP offset 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, Respondent shall contribute the SEP offset amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Equistar Chemicals, LP
Agreed Order - Attachment A

Barbers Hill ISD
Attention: John Johnson
Carl R. Griffiths & Associates
2901 Turtle Creek Drive, Suite 445
Port Arthur, TX 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 offset amount.

In the event of incomplete performance, Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall mail it to:

Texas Commission on Environmental Quality
Office of Legal Services Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 offset amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.