

Executive Summary – Enforcement Matter – Case No. 40045
Equistar Chemicals, LP
RN100221662
Docket No. 2010-1153-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Corpus Christi Plant, 1501 McKinzie Road, Corpus Christi, Nueces County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 20, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$0

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

On or about January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed a petition for bankruptcy relief to Chapter 11 of the United States Code.

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 40045

Equistar Chemicals, LP

RN100221662

Docket No. 2010-1153-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 6, 2010 through June 17, 2010

Date(s) of NOE(s): July 7, 2010

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,700 pounds of volatile organic compounds from a process line during an emissions event (Incident No. 135464) that began on February 4, 2010 and lasted 146 hours and 45 minutes. The emissions event was the result of two leaks that developed due to excess vibration from inadequate piping size and corrosion on process lines associated to the propylene refrigerant compressor (Emission Point Number (“EPN”) J-1702). Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 4682B, General Condition No. 8].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant in order to prevent a recurrence of emissions events due to the same causes as Incident No. 135464:

- a. Developed and implemented an interim start up procedure on April 29, 2010 that incorporates vibration analysis of piping systems and the monitoring and minimization of liquid phase propylene in the propylene refrigerant compressor, EPN J-1702, first stage kickback loop; and
- b. Developed and implemented a strategy for compensating for Risk Based Inspection software corrosion rate discrepancies with emphasis on intermittent and/or sweating service on June 30, 2010.

Technical Requirements:

N/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

Executive Summary – Enforcement Matter – Case No. 40045
Equistar Chemicals, LP
RN100221662
Docket No. 2010-1153-AIR-E

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: N/A

Respondent: Randal Tatum, Site Manager, Equistar Chemicals, LP, P.O. Box 10940,
Corpus Christi, Texas 78460

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| DATES | Assigned | 12-Jul-2010 | Screening | 19-Jul-2010 | EPA Due | 3-Apr-2011 |
| | PCW | 4-Jan-2011 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | | | |
|-----------------------------|------------------------|---------------------------|-------|--|--|
| Respondent | Equistar Chemicals, LP | | | | |
| Reg. Ent. Ref. No. | RN100221662 | | | | |
| Facility/Site Region | 14-Corpus Christi | Major/Minor Source | Major | | |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 40045 | No. of Violations | 1 |
| Docket No. | 2010-1153-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Trina Grieco |
| | | 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** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **133.0%** Enhancement **Subtotals 2, 3, & 7** **\$6,650**

Notes: Enhancement for two NOVs with same/similar violations, 11 NOVs with dissimilar violations, three orders with a denial of liability, one court order with a denial of liability and one federal order with a denial of liability. Reduction for 11 notice of audit letters submitted and four disclosures of violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,250**

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

Total EB Amounts \$40
Approx. Cost of Compliance \$2,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$10,400**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$10,400**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,400**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,080**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for an expedited settlement.

PAYABLE PENALTY **\$8,320**

Screening Date 19-Jul-2010

Docket No. 2010-1153-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 40045

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221662

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 NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 2 | 10% |
| | Other written NOVs | 11 | 22% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 3 | 60% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 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</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>) | 11 | -11% |
| | 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% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| 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) 133%

>> **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 two NOVs with same/similar violations, 11 NOVs with dissimilar violations, three orders with a denial of liability, one court order with a denial of liability and one federal order with a denial of liability. Reduction for 11 notice of audit letters submitted and four disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 133%

Screening Date 19-Jul-2010

Docket No. 2010-1153-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 40045

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221662

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F), Tex. Health & Safety Code § 382.085(b) and Permit No. 4682B, General Condition No. 8

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,700 pounds of volatile organic compounds from a process line during an emissions event (Incident No. 135464) that began on February 4, 2010 and lasted 146 hours and 45 minutes. The emissions event was the result of two leaks that developed due to excess vibration from inadequate piping size and corrosion on process lines associated to the propylene refrigerant compressor. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | x | |
| Potential | | | |

Percent 50%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

7 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes

The Respondent completed corrective measures on June 30, 2010, before the July 7, 2010 NOE date.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$10,400

This violation Final Assessed Penalty (adjusted for limits) \$10,400

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 40045
Reg. Ent. Reference No. RN100221662
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) | \$2,000 | 4-Feb-2010 | 30-Jun-2010 | 0.40 | \$40 | n/a | \$40 |

Notes for DELAYED costs

Estimated expense to develop and implement an interim start-up procedure that incorporates vibration analysis of piping systems and the monitoring and minimization of liquid phase propylene in the J-1702 first stage kickback loop; and to develop and implement a strategy for compensating for Risk Based Inspection software corrosion rate discrepancies with emphasis on intermittent and/or sweating service. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures 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

\$2,000

TOTAL

\$40

Description: Failure to comply with the general condition contained in the permit document. Specifically, Equistar failed to comply with the Maximum Allowable Emissions Rate Table (MAERT) for Emission Point Number 23A, Tank F2009A.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Conditions PERMIT

Description: Failure to comply with the general conditions contained in the permit document. Specifically, Equistar failed to comply with the MAERT on September 20, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 4682B General Conditions PERMIT
PSD-TX-761M1 PERMIT

Description: Failed to prevent the unauthorized release of 73 lbs of benzene from The Benzene Tank, EPN No. 23A, during an emissions event that began on May 1, 2006 and lasted for one hour.

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

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

Rqmt Prov: General Condition PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and gain an affirmative defense for emissions that were released from the Corpus Christi Plant during three separate emissions events (TCEQ incidents 38959, 39011 and 39040) which occurred on or about May 2 and 4, 2004.

Effective Date: 10/23/2008

ADMINORDER 2008-0591-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 4682B, General Conditions OP
Special Condition No. 27(C) OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,535.50 pounds ("lbs") of carbon monoxide, 634.78 lbs of nitrogen oxides, 2,554.69 lbs of volatile organic compounds and 102.72 lbs of the Hazardous Air Pollutant benzene from the Olefins Unit during an avoidable emissions event that began December 13, 2007 and lasted seven hours and 44 minutes. Furthermore, as a result of the event, visible emissions exceeded five minutes during a consecutive two hour period.

Effective Date: 04/25/2010

ADMINORDER 2008-1350-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 4682B, Gen. Conditions PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent did not follow Procedure 9.136 for commissioning and decommissioning J-2009-A/B Benzene pumps. An operator failed to closed the condensate valve, resulting in the release of 25.77 pounds ("lbs") of the hazardous air pollutant benzene from the deaerator during and avoidable emissions event (Incident No. 106104) that began December 30, 2007 and lasted seven hours and 38 minutes.

Classification: Moderate

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

Description: Failed to submit an initial notification for Incident No. 106104 within 24 hours of the discovery of the event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: general conditions PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, a contracted vender failed to utilize a

vacuum breaker in their equipment setup and inadvertently pulled 30 gallons of pyrolysis gasoline onto the floating roof of the tank resulting in the release of 84.88 lbs VOCs from the Gasoline Pyrolysis Storage Tank (EPN 19) during and avoidable emissions event (Incident No. 106441) that began April 15, 2008 and lasted 23 hours and ten minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 4682B, Gen. Conditions PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent incorrectly installed wiring in the terminal block, which lead to an open loop condition, causing the shutdown of the Hydrogen Methanator, resulting in the release of 5,420.82 lbs of carbon monoxide, 8,500.97 lbs of the highly reactive volatile organic compound ("HRVOC") ethylene, 1,244.18 lbs of nitrogen oxide, 586.23 lbs of the HRVOC propylene and 34.23 lbs of methylacetylene propadiene from the Cold/Dry Flare

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 | 07/20/2005 | (401021) |
| 2 | 07/21/2005 | (396829) |
| 3 | 07/27/2005 | (398968) |
| 4 | 07/27/2005 | (399203) |
| 5 | 08/29/2005 | (406863) |
| 6 | 09/23/2005 | (444969) |
| 7 | 09/23/2005 | (444970) |
| 8 | 09/23/2005 | (444971) |
| 9 | 10/08/2005 | (433519) |
| 10 | 10/14/2005 | (475936) |
| 11 | 11/14/2005 | (435247) |
| 12 | 11/18/2005 | (436148) |
| 13 | 12/14/2005 | (438818) |
| 14 | 12/20/2005 | (449950) |
| 15 | 12/27/2005 | (475937) |
| 16 | 01/03/2006 | (497005) |
| 17 | 02/14/2006 | (453558) |
| 18 | 02/14/2006 | (453564) |
| 19 | 02/14/2006 | (475935) |
| 20 | 03/20/2006 | (503169) |
| 21 | 04/20/2006 | (503170) |
| 22 | 05/12/2006 | (464782) |
| 23 | 05/12/2006 | (464792) |
| 24 | 05/21/2006 | (461850) |
| 25 | 05/21/2006 | (461856) |
| 26 | 05/22/2006 | (503171) |
| 27 | 06/05/2006 | (466665) |
| 28 | 06/19/2006 | (503172) |
| 29 | 06/19/2006 | (503173) |
| 30 | 06/29/2006 | (484695) |
| 31 | 07/07/2006 | (485712) |
| 32 | 08/01/2006 | (487607) |
| 33 | 08/14/2006 | (525519) |
| 34 | 08/22/2006 | (488431) |
| 35 | 09/11/2006 | (525523) |
| 36 | 09/13/2006 | (510579) |
| 37 | 09/15/2006 | (486877) |
| 38 | 09/15/2006 | (512148) |
| 39 | 09/26/2006 | (487967) |
| 40 | 10/12/2006 | (525520) |

| | | |
|-----|------------|----------|
| 41 | 10/12/2006 | (525521) |
| 42 | 10/12/2006 | (525522) |
| 43 | 10/16/2006 | (514019) |
| 44 | 10/18/2006 | (513459) |
| 45 | 10/27/2006 | (514855) |
| 46 | 11/06/2006 | (585378) |
| 47 | 11/08/2006 | (518139) |
| 48 | 12/05/2006 | (585379) |
| 49 | 12/19/2006 | (533724) |
| 50 | 01/04/2007 | (534598) |
| 51 | 01/18/2007 | (535899) |
| 52 | 01/31/2007 | (538736) |
| 53 | 02/09/2007 | (536898) |
| 54 | 02/09/2007 | (585371) |
| 55 | 02/18/2007 | (534352) |
| 56 | 02/18/2007 | (538362) |
| 57 | 03/09/2007 | (585372) |
| 58 | 04/06/2007 | (585373) |
| 59 | 04/12/2007 | (554052) |
| 60 | 04/12/2007 | (554059) |
| 61 | 05/14/2007 | (560090) |
| 62 | 05/17/2007 | (585374) |
| 63 | 05/31/2007 | (543205) |
| 64 | 06/14/2007 | (585375) |
| 65 | 07/10/2007 | (585376) |
| 66 | 08/07/2007 | (585377) |
| 67 | 08/29/2007 | (573523) |
| 68 | 09/05/2007 | (608531) |
| 69 | 09/05/2007 | (608532) |
| 70 | 10/08/2007 | (608530) |
| 71 | 12/10/2007 | (623665) |
| 72 | 12/10/2007 | (623666) |
| 73 | 01/23/2008 | (614842) |
| 74 | 01/23/2008 | (614862) |
| 75 | 03/06/2008 | (636138) |
| 76 | 03/10/2008 | (674895) |
| 77 | 03/10/2008 | (674897) |
| 78 | 03/25/2008 | (636861) |
| 79 | 03/25/2008 | (636868) |
| 80 | 03/27/2008 | (637272) |
| 81 | 03/31/2008 | (617000) |
| 82 | 04/07/2008 | (674896) |
| 83 | 04/21/2008 | (636550) |
| 84 | 05/01/2008 | (654885) |
| 85 | 05/20/2008 | (641326) |
| 86 | 05/28/2008 | (671717) |
| 87 | 06/09/2008 | (693253) |
| 88 | 06/09/2008 | (693255) |
| 89 | 06/09/2008 | (693256) |
| 90 | 07/17/2008 | (693254) |
| 91 | 08/04/2008 | (685736) |
| 92 | 08/04/2008 | (687425) |
| 93 | 08/21/2008 | (687104) |
| 94 | 09/10/2008 | (636827) |
| 95 | 09/30/2008 | (703626) |
| 96 | 10/06/2008 | (714486) |
| 97 | 10/06/2008 | (714487) |
| 98 | 11/07/2008 | (714488) |
| 99 | 12/11/2008 | (730457) |
| 100 | 12/12/2008 | (730456) |

101 12/17/2008 (721096)
 102 12/17/2008 (721316)
 103 12/19/2008 (685409)
 104 02/16/2009 (725853)
 105 02/16/2009 (725855)
 106 02/17/2009 (725609)
 107 02/17/2009 (725616)
 108 02/26/2009 (736149)
 109 03/05/2009 (753671)
 110 03/05/2009 (753673)
 111 03/12/2009 (738169)
 112 04/14/2009 (753672)
 113 05/05/2009 (771096)
 114 05/05/2009 (771098)
 115 06/05/2009 (744956)
 116 06/08/2009 (771095)
 117 06/08/2009 (771097)
 118 06/17/2009 (749601)
 119 06/17/2009 (749605)
 120 06/18/2009 (749701)
 121 07/08/2009 (749424)
 122 09/14/2009 (813159)
 123 10/07/2009 (813160)
 124 10/13/2009 (778586)
 125 11/09/2009 (813161)
 126 12/07/2009 (784376)
 127 12/11/2009 (782487)
 128 12/11/2009 (784617)
 129 12/11/2009 (785047)
 130 12/15/2009 (813162)
 131 12/18/2009 (767504)
 132 01/11/2010 (827897)
 133 01/20/2010 (788647)
 134 02/12/2010 (791477)
 135 02/12/2010 (813158)
 136 02/22/2010 (790708)
 137 02/22/2010 (790718)
 138 02/25/2010 (793355)
 139 03/10/2010 (833843)
 140 03/31/2010 (794634)
 141 04/09/2010 (833844)
 142 05/06/2010 (833845)
 143 07/07/2010 (801827)
 144 07/08/2010 (826902)
 145 07/08/2010 (826904)

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

Date: 07/25/2005 (396829) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations OP
 Description: Failure to comply with self-monitored effluent quality limitations.

Date: 01/03/2006 (497005) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/21/2006 (488431) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(a)
Special Condition 3 PERMIT
Special Conditions 24(VHAP) and 25(VOC) PERMIT
Description: Failure to equip open-ended lines with a cap, blind, plug or a secondary valve.

Date: 08/30/2007 (573523)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(g)(4)
Permit No. 6745B, Special Condition 3E PERMIT
Description: Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. Specifically, open-ended lines identified in Company Event Nos.: 37296, 39205 and 40015 were not equipped with a cap, blind flange, plug or a second valve as required. A total of 5 open-ended lines for all events combined were found not to have been equipped with a plug, cap, blind flange or second valve.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)
Permit No. 4682B/PSD-TX-761, SC24 & 25 PERMIT
Description: Failure to conduct monthly monitoring as required by state permit and federal rule. Specifically, six pumps identified in Company Event No.: 37265 were not monitored monthly in accordance with reference method 21. 40 CFR § 63.1023(b) Subpart UU, National Emission Standards For Equipment Leaks: Control Level 2 Standards and TCEQ Air Permit No. 4682B, Special Condition Nos. 24 and 25 are applicable to company event no. 37265.

Date: 08/31/2007 (525521) 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: 04/30/2008 (674897) 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: 05/20/2008 (641326) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. WQ0002075-000 PERMIT
Description: Failure to meet self-monitored effluent limitations for chloroform and sulfides.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
TPDES Permit No. WQ0002075-000 PERMIT
Description: Failure to analyze ammonia as nitrogen within the required holding time.

Date: 08/21/2008 (687104) CN600124705
Self Report? NO Classification: Moderate
Citation: [4682B/PSD-TX-761M1] Special Cond. 24 E PERMIT

[4682B/PSD-TX-761M1] Special Cond. 25 E PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. As per the TCEQ Enforcement Initiation Criteria (Revision No. 12, Effective July 1, 2008), this violation is classified as a Category C-10.

Self Report? NO Classification: Moderate

Citation: [6745B] Special Cond. 3E PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. As per the TCEQ Enforcement Initiation Criteria (Revision No. 12, Effective July 1, 2008), this violation is classified as a Category C-10.

Self Report? NO Classification: Moderate

Citation: [FOP #O-1486] General Terms & Conds. OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with Federal Operating Permit (FOP) Reporting Terms and Conditions for FOP No. O-01486. [Failed to identify all instances of deviations.]

Self Report? NO Classification: Moderate

Citation: [4682B/PSD-TX-761M1] Special Cond. 27A PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
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)

Description: Failure to comply with permit special conditions. [The flare (L-2019B) was below 300 btu/scf].

Self Report? NO Classification: Moderate

Citation: [4682B/PSD-TX-761M1] Special Cond. 13 PERMIT
[4682B/PSD-TX-761M1] Special Cond. 19 PERMIT
[FOP #O-1486] Special Term & Cond. 15 OP
30 TAC Chapter 101, SubChapter A 101.20(3)
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)

Description: Failure to comply with permit special conditions. [permit exceedances]

Date: 06/30/2009 (771096) 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: 07/07/2009 (749424)

Self Report? NO Classification: Moderate

Citation: [FOP No. O-01486] STC 15 OP
[NSR Pmt No. 4682B/PSD-TX-761M1] SC 24E PERMIT
[NSR Pmt. No. 4682B/PSD-TX-761M1] SC 25E PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, between February 27, 2008 and February 26, 2009, open-ended lines (OEL) identified in Company Event Nos. 58360, 54808, 55553, 57421, 58811, 58839 and 64334 were not equipped with a cap or plug as required. A total of eighteen (18) OELs for all events combined were found not to have been equipped with a plug, cap, blind flange or second valve.

Self Report? NO Classification: Moderate

Citation: [FOP No. O-01486] STC 15 OP
[NSR Pmt. No. 4682B/PSD-TX-761M1] SC 24H PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
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)

Description: Failure to verify that a leaking component was repaired within 15 days after the leak was found. Specifically, the C-1787F Propylene Refrig Condenser Process Flange was not monitored in 15 days from the date of repair on November 7, 2008. Company Event No. 61819 was reported as a deviation in the Semiannual Deviation Report dated March 27, 2009.

Date: 12/11/2009 (785047) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)

Description: Failure to comply with accumulation time regulations and operate the satellite accumulation area at or near the point of generation.

Date: 01/11/2010 (827897) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/05/2010 (787752)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent a discharge of air contaminants in such concentration and duration as to interfere with the normal use and enjoyment of property. Specifically, material released during an emissions event on December 14, 2009 resulted in impacts to neighborhoods downwind of the release that interfered with normal use of property.

F. Environmental audits.

Notice of Intent Date: 11/28/2006 (534480)

No DOV Associated

Notice of Intent Date: 07/30/2007 (593607)

Disclosure Date: 03/20/2008

Viol. Classification: Moderate

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

Description: Failure to maintain a complete list of BWON wastes.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)

Description: Failure to maintain the TAB for the facility at less than 10 Mg/yr.

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 follow all BWON control requirements applicable to facilities with TAB or 10 or more Mg/yr benzene.

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 follow all BWON monitoring, recordkeeping, and reporting requirements applicable to facilities with TAB of 10 or more Mg/yr benzene.

Viol. Classification: Moderate

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

Description: Failure to follow all BWON test methods, procedures, and compliance provisions applicable to facilities with TAB of 10 or more Mg/yr benzene.

Viol. Classification: Minor

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 maintain accurate benzene quantities of certain waste streams calculated for the TAB, including the characterization of organic phase.

Viol. Classification: Moderate

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

Description: Failure to properly flow-weight the benzene concentrations for some waste streams.

Viol. Classification: Moderate

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

Description: Failure to properly incorporate the organic phase into the characterization of some multiple-phase wastes, including: spent caustic, NESHAP System discharges, streams incorporated into "Maintenance Waste".

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.122

Description: Failure to include regulatory applicability for BWON rules for a "greater than 10 MG site" in the Title V permit.

Notice of Intent Date: 08/31/2007 (595543)

Disclosure Date: 07/02/2008

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R 335.510
30 TAC Chapter 335, SubChapter R 335.511
30 TAC Chapter 335, SubChapter C 335.62

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R 335.513

Description: Failure to send complete waste stream characterization documentation with waste sent to on-site impoundments (landfill and BDU impoundment).

Notice of Intent Date: 08/31/2007 (595548)

No DOV Associated

Notice of Intent Date: 08/31/2007 (595555)

Disclosure Date: 07/30/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-1486

Description: Failure to comply with Title V Operating Permit O-1486.

Notice of Intent Date: 09/07/2007 (595516)

No DOV Associated

Notice of Intent Date: 10/10/2007 (598770)

Disclosure Date: 09/23/2008

Viol. Classification: Moderate

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

Description: Failure to repair equipment timely. Specifically, there were two equipment leaks that did not have a first repair attempt within 5 days and 1 equipment leak that did not have a final repair attempt within 15 days and were not on the delay of repair list.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(b)(2)

Description: Failure to fully maintain records regarding delay of repair. Specifically, 7 equipment leaks were not repaired within 15 days that did meet the requirements, and were documented as meeting the requirements, to be put on the delay of repair, since these 7 items were not put on the delay of repair list they were not addressed in the periodic reports.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)

Description: Failure to include 3 valves in the leak detection and repair program.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR Permit 4682B
PERMIT PSD Permit TX761M1

Description: Failure to properly tag 1 component in delay of repair. Specifically, the component with Tag ID 235160 was a delay of repair item that did not have leak tag attached. This component did have delay of repair tag attached but it was not dated.

Notice of Intent Date: 05/29/2008 (688494)

No DOV Associated

Notice of Intent Date: 06/17/2008 (688536)

No DOV Associated

Notice of Intent Date: 09/30/2009 (779140)

No DOV Associated

Notice of Intent Date: 06/08/2010 (749426)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100221662**

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

AGREED ORDER DOCKET NO. 2010-1153-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 plant at 1501 McKinzie Road in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 12, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. On or about January 6, 2009, the Respondent, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed a petition for bankruptcy relief to Chapter 11 of the United States Code. However, due to the timing of the referral to

TCEQ Central Office of the violations in this case, together with the current status of the bankruptcy proceeding, penalties cannot be pursued.

7. 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.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant in order to prevent a recurrence of emissions events due to the same causes as Incident No. 135464:
 - a. Developed and implemented an interim start up procedure on April 29, 2010 that incorporates vibration analysis of piping systems and the monitoring and minimization of liquid phase propylene in the propylene refrigerant compressor, Emission Point Number ("EPN") J-1702, first stage kickback loop; and
 - b. Developed and implemented a strategy for compensating for Risk Based Inspection software corrosion rate discrepancies with emphasis on intermittent and/or sweating service on June 30, 2010.
9. 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.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 4682B, General Condition No. 8, as documented during a record review conducted May 6, 2010 through June 17, 2010. Specifically, the Respondent released 9,700 pounds of volatile organic compounds from a process line during an emissions event (Incident No. 135464) that began on February 4, 2010 and lasted 146 hours and 45 minutes. The emissions event was the result of two leaks that developed due to excess vibration from inadequate piping size and corrosion on process lines associated to the propylene refrigerant compressor (EPN J-1702). Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. The Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. However, the Commission shall not be constrained in any manner from requiring corrective action or penalties for other violations which are not raised here.
2. 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.
3. 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.
4. 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.
5. 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

John Szollosi
For the Executive Director

6/3/2011
Date

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

I also understand that failure to comply with the Ordering Provisions, if any, 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;
- 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.

Randall Tatum

Signature

4/12/11

Date

RANDALL TATUM

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

SITE MANAGER

Title

Instructions: Send the original, signed Agreed Order to the Enforcement Division.