Executive Summary – Enforcement Matter – Case No. 40375
LYONDELL CHEMICAL COMPANY
RN100633650
Docket No. 2010-1575-IHW-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
IHW
Small Business:
No
Location(s) Where Violation(s) Occurred:
Lyondell Chemical Channelview, 2502 Sheldon Road, Channelview, Harris County
Type of Operation:
Organic chemical manufacturing plant
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: May 13, 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. 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.

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. 40375
LYONDELL CHEMICAL COMPANY
RN100633650
Docket No. 2010-1575-IHW-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: June 8, 2010
Date(s) of NOE(s): August 31, 2010

Violation Information

Failed to follow permit operating conditions of a Burner and Industrial Furnace unit while hazardous waste was fed to the unit. Specifically, furnace F-57180 exceeded the permitted limits of carbon monoxide ("CO") concentration of 100 parts per million by volume ("PPMV") on June 15, 2009 (110 PPMV) and October 29, 2009 (120.36 and 109.39 PPMV), while hazardous waste was being fed into the unit [30 TEX. ADMIN. CODE § 335.221(a)(6), 40 CODE OF FEDERAL REGULATIONS §§ 266.102(e)(2)(ii)(A) and 266.104(b)(1) and Hazardous Waste Permit No. 50288, Permit Provision V.I.3.b.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that on March 17, 2010, the Respondent adjusted the automatic waste cut-off system to ensure that an exceedance of CO does not occur.

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Mr. Wallace Myers, Enforcement Division, Enforcement Team 7, MC 128 (512) 239-6580; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Mr. Michael Vandersnick, Site Manager, LYONDELL CHEMICAL COMPANY, 1221 McKinney, Suite 1600, Houston, Texas 77010
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

DATES					
Assigned	7-Sep-2010				
PCW	14-Sep-2010	Screening	10-Sep-2010	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	LYONDELL CHEMICAL COMPANY		
Reg. Ent. Ref. No.	RN100633650		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	40375	No. of Violations	1
Docket No.	2010-1575-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Wallace Myers
		EC's Team	Enforcement Team 7

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 138.0% Enhancement — *Subtotals 2, 3, & 7* $6,900

Notes: Enhancement for 29 previous NOVs with dissimilar violations, three orders with denial, and one order without denial. Reduction for three Audit Notification Letters and one Disclosure 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* $0

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

Total EB Amounts $53
Approx. Cost of Compliance $1,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $11,900

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $11,900

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $11,900

DEFERRAL 20.0% Reduction — *Adjustment* -$2,380

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 $9,520

Screening Date 10-Sep-2010 **Docket No.** 2010-1575-IHW-E **PCW**

Respondent LYONDELL CHEMICAL COMPANY *Policy Revision 2 (September 2002)*

Case ID No. 40375 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100633650

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Tate Barrett

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	29	58%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	1	-2%

		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) 138%

>> 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 29 previous NOVs with dissimilar violations, three orders with denial, and one order without denial. Reduction for three Audit Notification Letters and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 138%

Screening Date	10-Sep-2010	**Docket No.** 2010-1575-IHW-E	**PCW**
Respondent	LYONDELL CHEMICAL COMPANY		*Policy Revision 2 (September 2002)*
Case ID No.	40375		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN100633650		
Media [Statute]	Industrial and Hazardous Waste		
Enf. Coordinator	Tate Barrett		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.221(a)(6), 40 Code of Federal Regulations §§ 266.102(e)(2)(ii)(A) and 266.104(b)(1) and Hazardous Waste Permit No. 50288, Permit Provision V.I.3.b.

Violation Description Failed to follow permit operating conditions of a Burner and Industrial Furnace unit while hazardous waste was fed to the unit. Specifically, furnace F-57180 exceeded the permitted limits of carbon monoxide concentration of 100 parts per million by volume ("PPMV") on June 15, 2009 (110 PPMV) and October 29, 2009 (120.36 and 109.39 PPMV), while hazardous waste was being fed into the unit.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	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 pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Two single events are recommended for the two exceedances.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $53

Statutory Limit Test

Violation Final Penalty Total $11,900

This violation Final Assessed Penalty (adjusted for limits) $11,900

Economic Benefit Worksheet

Respondent LYONDELL CHEMICAL COMPANY
Case ID No. 40375
Reg. Ent. Reference No. RN100633650
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$1,000	15-Jun-2009	17-Mar-2010	0.75	$3	$50	$53
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)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to adjust the automatic waste feed cut off system for the burner. The date required is the date of the first permit level exceedance and the final date is the date of the adjustment.

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 $1,000

TOTAL $53

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600344402	Lyondell Chemical Company	Classification: AVERAGE	Rating: 3.97
Regulated Entity:	RN100633650	LYONDELL CHEMICAL CHANNELVIEW	Classification: AVERAGE	Site Rating: 2.64

ID Number(s):			
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD083472266
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30676
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50288
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW162
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW037
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW148
	AIR NEW SOURCE PERMITS	AFS NUM	4820100417
	AIR NEW SOURCE PERMITS	REGISTRATION	72168
	AIR NEW SOURCE PERMITS	REGISTRATION	52056
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG1575W
	AIR NEW SOURCE PERMITS	REGISTRATION	48597
	AIR NEW SOURCE PERMITS	REGISTRATION	42082
	AIR NEW SOURCE PERMITS	REGISTRATION	40092
	AIR NEW SOURCE PERMITS	REGISTRATION	40094
	AIR NEW SOURCE PERMITS	REGISTRATION	40093
	AIR NEW SOURCE PERMITS	REGISTRATION	38432
	AIR NEW SOURCE PERMITS	REGISTRATION	37654
	AIR NEW SOURCE PERMITS	REGISTRATION	36353
	AIR NEW SOURCE PERMITS	REGISTRATION	35477
	AIR NEW SOURCE PERMITS	REGISTRATION	34833
	AIR NEW SOURCE PERMITS	REGISTRATION	32435
	AIR NEW SOURCE PERMITS	PERMIT	20416
	AIR NEW SOURCE PERMITS	PERMIT	19613
	AIR NEW SOURCE PERMITS	PERMIT	19155
	AIR NEW SOURCE PERMITS	PERMIT	18103
	AIR NEW SOURCE PERMITS	PERMIT	4121
	AIR NEW SOURCE PERMITS	PERMIT	3346
	AIR NEW SOURCE PERMITS	PERMIT	3286A
	AIR NEW SOURCE PERMITS	PERMIT	2993
	AIR NEW SOURCE PERMITS	REGISTRATION	76300
	AIR NEW SOURCE PERMITS	REGISTRATION	76126
	AIR NEW SOURCE PERMITS	REGISTRATION	75719
	AIR NEW SOURCE PERMITS	REGISTRATION	70737
	AIR NEW SOURCE PERMITS	REGISTRATION	72243

AIR NEW SOURCE PERMITS	REGISTRATION	73851
AIR NEW SOURCE PERMITS	REGISTRATION	74852
AIR NEW SOURCE PERMITS	REGISTRATION	77293
AIR NEW SOURCE PERMITS	REGISTRATION	77723
AIR NEW SOURCE PERMITS	REGISTRATION	77929
AIR NEW SOURCE PERMITS	REGISTRATION	78760
AIR NEW SOURCE PERMITS	REGISTRATION	78756
AIR NEW SOURCE PERMITS	REGISTRATION	79199
AIR NEW SOURCE PERMITS	REGISTRATION	79706
AIR NEW SOURCE PERMITS	REGISTRATION	79727
AIR NEW SOURCE PERMITS	REGISTRATION	79543
AIR NEW SOURCE PERMITS	REGISTRATION	79945
AIR NEW SOURCE PERMITS	REGISTRATION	79375
AIR NEW SOURCE PERMITS	REGISTRATION	79542
AIR NEW SOURCE PERMITS	REGISTRATION	80386
AIR NEW SOURCE PERMITS	REGISTRATION	80344
AIR NEW SOURCE PERMITS	REGISTRATION	80610
AIR NEW SOURCE PERMITS	REGISTRATION	80995
AIR NEW SOURCE PERMITS	REGISTRATION	81217
AIR NEW SOURCE PERMITS	REGISTRATION	81465
AIR NEW SOURCE PERMITS	REGISTRATION	35412
AIR NEW SOURCE PERMITS	REGISTRATION	81958
AIR NEW SOURCE PERMITS	REGISTRATION	81902
AIR NEW SOURCE PERMITS	REGISTRATION	82122
AIR NEW SOURCE PERMITS	REGISTRATION	87669
AIR NEW SOURCE PERMITS	REGISTRATION	84878
AIR NEW SOURCE PERMITS	REGISTRATION	83451
AIR NEW SOURCE PERMITS	REGISTRATION	84297
AIR NEW SOURCE PERMITS	PERMIT	83817
AIR NEW SOURCE PERMITS	REGISTRATION	84086
AIR NEW SOURCE PERMITS	REGISTRATION	84100
AIR NEW SOURCE PERMITS	REGISTRATION	84090
AIR NEW SOURCE PERMITS	REGISTRATION	84047
AIR NEW SOURCE PERMITS	REGISTRATION	84583
AIR NEW SOURCE PERMITS	REGISTRATION	88286
WASTEWATER	PERMIT	WQ0002927000
WASTEWATER	EPA ID	TX0069493
WASTEWATER	EPA ID	TX0069493

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG1575W
AIR OPERATING PERMITS	PERMIT	1387
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30676
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG1575W

Location: 2502 SHELDON RD, CHANNELVIEW, TX, 77530

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 10, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 10, 2005 to September 10, 2010

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

Name: Tate Barrett Phone: (713) 422-8968

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: 08/28/2006 ADMINORDER 2006-0236-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 3346, SC #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 A 382.085(b)
Rqmt Prov: 2993, SC #1 PA
Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008 ADMINORDER 2007-1546-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: 19613, Special Condition No. 1 PERMIT
Description: Failure to utilize the correct metallurgy and conduct maintenance on the seal flush tubing for Pump P-871A.

Effective Date: 06/19/2008 ADMINORDER 2007-1866-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: 19155, SC No. 11 PERMIT

Description: Failed to install a gasket that met the correct pipe specifications on the outlet piping of Dehydration Furnace F-6104 in the MTBE Unit, resulting in a leak and the unauthorized release of

1,004.80 pounds ("lbs") of isobutylene and 291.70 lbs of tert butanol on June 16, 2007. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 19613, SC No. 1 PERMIT

Description: Failed to prevent the unauthorized release of 51 lbs of benzene on July 3, 2007 at the Propylene Oxide/Styrene Monomer II Unit. Specifically, the Respondent failed to use piping that was compatible with the process liquids in the Tower T-96870 reflux line, resulting in stress corrosion cracking of the pipe and a leak. Since these emissions could have been foreseen and avoided by good design and operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222

Effective Date: 04/11/2010 ADMINORDER 2009-1581-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: Failed to prevent an excessive emissions event on December 26, 2008.

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	09/23/2005	(444280)
2	09/23/2005	(444281)
3	10/24/2005	(474769)
4	10/25/2005	(380533)
5	11/22/2005	(474770)
6	11/30/2005	(433627)
7	12/21/2005	(474771)
8	12/28/2005	(497001)
9	02/15/2006	(380530)
10	02/24/2006	(474767)
11	03/06/2006	(452865)
12	03/21/2006	(453942)
13	03/23/2006	(474768)
14	03/24/2006	(453791)
15	03/31/2006	(455536)
16	03/31/2006	(457307)
17	04/20/2006	(462439)
18	04/20/2006	(462445)
19	04/21/2006	(456404)
20	04/24/2006	(502479)
21	05/01/2006	(463965)
22	05/21/2006	(465556)
23	05/21/2006	(465560)
24	05/22/2006	(465810)
25	05/23/2006	(502480)
26	05/26/2006	(467504)
27	05/26/2006	(467510)
28	05/26/2006	(467527)
29	05/26/2006	(467540)
30	05/26/2006	(467550)
31	05/26/2006	(467570)
32	06/21/2006	(502481)
33	07/06/2006	(455578)

34	07/25/2006	(524806)
35	07/28/2006	(481675)
36	08/08/2006	(462744)
37	08/15/2006	(486078)
38	08/15/2006	(488073)
39	08/21/2006	(524807)
40	08/23/2006	(485002)
41	08/23/2006	(485009)
42	08/29/2006	(497530)
43	08/29/2006	(497537)
44	09/25/2006	(549715)
45	10/13/2006	(515848)
46	10/24/2006	(549716)
47	11/13/2006	(518381)
48	11/14/2006	(518836)
49	11/27/2006	(549717)
50	11/29/2006	(345458)
51	12/19/2006	(549718)
52	01/18/2007	(549719)
53	01/19/2007	(553727)
54	01/29/2007	(533297)
55	02/22/2007	(583821)
56	02/26/2007	(533308)
57	02/27/2007	(534697)
58	03/22/2007	(583822)
59	04/05/2007	(593298)
60	04/09/2007	(554505)
61	04/23/2007	(583823)
62	04/25/2007	(555359)
63	04/25/2007	(555365)
64	04/25/2007	(555802)
65	04/25/2007	(555806)
66	05/09/2007	(541602)
67	05/22/2007	(583824)
68	05/23/2007	(556219)
69	06/25/2007	(583825)
70	06/26/2007	(554500)
71	07/06/2007	(542673)
72	07/23/2007	(583826)
73	07/24/2007	(564711)
74	07/24/2007	(564712)
75	08/07/2007	(567748)
76	08/22/2007	(604058)
77	08/31/2007	(574405)
78	09/06/2007	(565822)
79	09/24/2007	(604059)
80	10/08/2007	(594110)
81	10/10/2007	(565505)
82	10/10/2007	(566371)
83	10/15/2007	(595712)
84	10/19/2007	(572117)
85	10/19/2007	(572262)
86	10/23/2007	(622978)
87	11/06/2007	(598858)
88	11/15/2007	(594833)
89	11/15/2007	(595013)
90	11/19/2007	(572056)
91	11/19/2007	(572261)
92	11/19/2007	(594035)
93	11/19/2007	(595022)

94	11/19/2007	(622979)
95	12/27/2007	(622980)
96	01/09/2008	(609855)
97	01/17/2008	(600723)
98	01/23/2008	(674390)
99	02/27/2008	(613653)
100	03/14/2008	(611501)
101	03/14/2008	(618696)
102	03/14/2008	(618717)
103	03/27/2008	(618709)
104	03/27/2008	(618722)
105	03/27/2008	(618731)
106	04/28/2008	(674387)
107	04/28/2008	(674388)
108	04/28/2008	(674389)
109	04/29/2008	(652661)
110	04/29/2008	(653207)
111	05/22/2008	(692737)
112	06/03/2008	(646595)
113	06/04/2008	(543658)
114	06/06/2008	(682326)
115	06/24/2008	(692738)
116	07/22/2008	(713873)
117	07/25/2008	(686971)
118	08/12/2008	(685199)
119	08/12/2008	(685202)
120	08/12/2008	(686065)
121	08/12/2008	(686073)
122	08/25/2008	(713874)
123	09/10/2008	(702199)
124	10/07/2008	(729873)
125	10/09/2008	(699654)
126	10/22/2008	(729874)
127	10/24/2008	(686627)
128	10/29/2008	(686573)
129	11/03/2008	(699652)
130	11/17/2008	(705755)
131	11/17/2008	(705756)
132	12/01/2008	(729875)
133	12/16/2008	(703659)
134	12/22/2008	(729876)
135	01/13/2009	(722614)
136	01/26/2009	(701754)
137	01/26/2009	(701756)
138	01/29/2009	(687940)
139	02/12/2009	(687164)
140	02/23/2009	(753109)
141	03/18/2009	(738031)
142	03/23/2009	(753110)
143	04/06/2009	(735824)
144	04/06/2009	(735831)
145	04/06/2009	(735832)
146	04/06/2009	(738482)
147	04/06/2009	(738485)
148	04/14/2009	(735656)
149	04/22/2009	(770662)
150	04/28/2009	(722170)
151	05/22/2009	(770663)
152	06/04/2009	(743701)
153	06/22/2009	(759503)

154	06/22/2009	(811757)
155	06/30/2009	(747320)
156	06/30/2009	(747323)
157	07/20/2009	(811758)
158	07/22/2009	(702274)
159	07/22/2009	(749478)
160	08/04/2009	(763811)
161	08/04/2009	(763816)
162	08/06/2009	(759221)
163	08/18/2009	(703383)
164	08/20/2009	(736085)
165	08/24/2009	(811759)
166	08/28/2009	(759064)
167	09/02/2009	(759612)
168	09/22/2009	(811760)
169	10/22/2009	(811761)
170	11/09/2009	(779367)
171	11/09/2009	(779368)
172	11/12/2009	(776895)
173	11/23/2009	(811762)
174	12/21/2009	(783354)
175	12/21/2009	(811763)
176	01/08/2010	(785080)
177	01/13/2010	(785846)
178	01/19/2010	(685513)
179	01/22/2010	(811764)
180	02/01/2010	(767345)
181	02/25/2010	(792726)
182	02/26/2010	(811756)
183	03/03/2010	(778850)
184	03/12/2010	(778084)
185	03/18/2010	(833325)
186	03/23/2010	(789620)
187	04/19/2010	(799387)
188	04/21/2010	(833326)
189	05/03/2010	(799836)
190	05/12/2010	(796690)
191	05/24/2010	(845254)
192	06/22/2010	(847031)
193	06/30/2010	(800082)
194	07/26/2010	(841594)
195	07/30/2010	(830497)
196	07/30/2010	(830501)
197	08/11/2010	(830107)
198	08/11/2010	(830125)
199	08/31/2010	(841596)

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

Date: 09/30/2005 (474769)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (474771)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/28/2005 (497001)

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: 12/31/2005 (444281)

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: 03/23/2006 (453791)

Self Report? NO Classification: Major

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

Description: Failure to maintain compliance with permit limits for total suspended solids (TSS) and pH at outfall 001. TSS violations were reported for January 2005, September 2005, November 2005 and December 2005. In addition, a pH violation was reported in October 2005.

Date: 03/31/2006 (502479)

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: 10/31/2006 (549717)

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: 11/14/2006 (518836)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
3346, SC No. 1 PA
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/19/2007 (553727)

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/29/2007 (533297)

Self Report? NO Classification: Moderate

Citation: 20416, SC No. 1 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Exceeded permit limits during an avoidable emissions event.

Date: 02/23/2007 (533308)

Self Report? NO Classification: Moderate
Citation: 19155, SC No. 11 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Exceeded permit limits during an avoidable emissions event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit Initial Notification wihtin 24 hours of discovery.

Date: 02/27/2007 (534697)
Self Report? NO Classification: Moderate
Citation: 2993, SC No. 1 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/05/2007 (593298)

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: 01/09/2008 (609855)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(B)(i)
5C THSC Chapter 382 382.085(b)
Description: RE failed the RATA test on December 12, 2006.

Date: 05/28/2008 (543658)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-1387, Special Condition 10F OP
Description: Failure to conduct daily audit NOx CEMS auto validation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
Description: Failure to maintain required equipment on tanks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
OP O-1387, Special Condition 1A OP
Description: Failure to maintin bolt or fasteners on the float well guage.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(a)
5C THC Chapter 382, SubChapter D 382.085(b)
O-O-1387, Special Condition 1A OP
Description: Failure to monitor 2 PSV's.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-1387, Special Condition 1A OP
Description: Failure to follow LDAR requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)(3)

5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to maintain required temperature.
Self Report? NO 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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
OP, O-1387, Special Condition 1A OP
OP, O-1387, Special Condition 26 OP
TCEQ Permit No. #2933, SC #15 PERMIT
TCEQ Permit No. #3446, SC #13E PERMIT
TCEQ Permit No. 18103, SC #15E PERMIT
TCEQ Permit No. 19155, SC #13E PERMIT
TCEQ Permit No. 20416, SC# 8E PERMIT
TCEQ Permit No. 2993, SC #10E PERMIT
TCEQ Permit No.19613, SC #19E PERMIT

Description: Failure to plug open ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
OP, O-1387, Special Conditions 1A & 26 OP

Description: Exceeded annual permitted limit during 2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to conduct cylinder gas audit.
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 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Permit No. 2993, SC #16 PERMIT

Description: Failure to meet 98% DRE requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Periodic failure to maintain contiuous records.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to maintain continuous records.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to perform daily auto validations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8130
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to monitor ammonia slip.
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 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Permit No. 19613, SC #16 PERMIT

Description: Periodic failure to maintain continuous records.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to maintain continuous records of fuel flow.
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)
OP, O-1387, Special Conditions 1A and 26 OP

Description: Failure to maintain continuous records of two 15-minute periods.
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 THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Air Permit No. 19613, SC #6 PERMIT

Description: Failure to maintain 300 Btu/scf hourly rolling average.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to maintain combustion temperature.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 27 OP

Description: Failure to obtain emission authorization.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP, O-1387, Special Condition 27 OP

Description: Failure to obtain emission authorization.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8140(a)
30 TAC Chapter 122, SubChapter B 122.132(e)(3)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to test stationary diesel engine.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to submit PBR within the the required timeframe.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to make fifteen day post notification of the RATA performance 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)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Air Permit No. 19155, SC #10E PERMIT

Description: Failure to paint a tank as required by the NSR permit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Exceedances of the fugitive permit allowable.
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 THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Permit No. 18103, SC #3A PERMIT
TCEQ Permit No. 19155, SC #6 PERMIT
TCEQ Permit No. 20416, SC #4 PERMIT

Description: Failure to maintain required heating values.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(4)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP

Description: Failure to maintain required heating values.
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 THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Permit No. 2993, SC #8 PERMIT
TCEQ Permit No. 4121, SC# 2A PERMIT

Description: Failure to maintain required heating values.
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 63, SubChapter C, PT 63, SubPT G 63.114(a)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Permit No. 2993, SC #15A PERMIT

Description: Failure to monitor temperature.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain continuous records.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)
30 TAC Chapter 117, SubChapter B 117.219(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition No. 1A OP

Description: Periodic failure to maintain continuous records.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(14)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain continuous records of monitoring for flare pilot flames.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to meet audit criteria.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to collect HRVOC compliance sample.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)(3)
5C THSC Chapter 382 382.085(b)
OP, O-1387, Special Condition 1A ORDER

Description: Failure to maintain continuous records of temperature.

Date: 11/03/2008 (699652)

Self Report? NO Classification: Moderate

Citation: 20416, Special Condition No. 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent unauthorized emissions.

Date: 01/13/2009 (722614)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 3346, SC #1 PERMIT

Description: Lyondell failed to prevent a seal leak.

Date: 03/31/2009 (770662)

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: 04/30/2009 (770663)

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: 05/31/2009 (811757)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/18/2009 (703383)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Special Condition No. 15(E) PERMIT
Special Condition No. 28(E) PERMIT
Special Condition No. 8(E) PERMIT
Special Terms and Condition No. 1(A) OP

Description: failure to seal open-ended lines containing VOC. (Category C10 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)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10(E) PERMIT
Special Condition No. 19(E) PERMIT
Special Condition No. 28(E) PERMIT
Special Condition No.15(E) PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to seal open ended lines containing VOC and hazardous air pollutants (HAP). (Category C10 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No.28(E) PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to seal open ended lines containing VOC, Highly Reactive VOC (HRVOC) and HAP. (Category C10 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10 (E) PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to seal open ended lines containing VOC and HAP in a SOCMI facility. (Category C10 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition no. 1(A) OP

Description: failure to maintain continuous records of monitoring parameters for the EB1 (F67800), EB2 Primary (F96800), and MTBE (F6101, F6102, F6103, F610-4, and F6105), Reactor Heaters. (Category C3 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to maintain continuous monitoring records for EB1 Wastewater Stripper T66825 and EB2 Wastewater Stripper T97942. (Catergory C3 violation).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(2)
5C THSC Chapter 382 382.035
Special Condition no. 15 PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to maintain continuous monitoring records for POSM1 Catalytic Incinerator F64170. (Category C3 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(2)
5C THSC Chapter 382 382.085(b)

Special Terms and Conditions No. 1(A) OP

Description: failure to maintain continuous monitoring records for the POSM2 Process Flare FL68491. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)

Description: failure to maintain continuous monitoring records for the POSM2 Process Flare FL68491. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 4(B) PERMIT
Special Terms and Conditions No. 26 OP

Description: failure to continuously monitor the flare pilot flame of the BDO Process Flare FL6105. (Category C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition No. 8 PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to maintain a continuous pilot flame for Deepwell Flare FL68910. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to provided a notice at least 15 days prior to an annual relative accuracy test audit for Boiler 3.

(Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to bolt or fasten down the float well gauge on Storage Tank Nos. TK6102, TK60110A, TK60110B, TK60312B, TK60480, TK60481, TK60482, TK60791, TK60810A, TK60810B, TK68632B, and TK60285C. (Category B18 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to bolt or fasten down the float well gauge on Storage Tank Nos. TK57705, TK57710, TK57719A, TK57719B, TK60630, TK6101. (Category B18 violation)

Self Report? NO Classification: Minor

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 Condition No. 6 PERMIT
Special Terms and Conditions No. 1(A) OP
Special; Terms and Condition No. 26 OP

Description: failure to prevent unauthorized visual emissions from occurring at POSM2 Process Flare FL68491.
(Category C4 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 No. 6 PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to combust VOC gas with a net heating value above the minimum required net heating value of 300 Btu/scf in the POSM2 Flare FL68491. (Category C4 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition No. 13(A) PERMIT
Special Terms and Conditions no. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to combust VOC/HAP gas with a net heating value above the minimum required net heating value of 300 Btu/scf in the POSM2 Process Flare FL68491. (Category C4 violation)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Special Term and Conditions No. 26 OP

Description: failure to prevent exceeding the annual VOC permit emission limit for Wastewater Equalization Tank TK60897. (Category B18 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to maintain operating temperature at or greater than the required minimum operating temperature for the catalytic converter. (Category C4 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: failure to perform the first attempt at repairing a leaking component within 5 days of leak discovery.
(Category C4 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
Special Terms and Copnditions No. 1(A) OP

Description: failure to maintain the 3-hour average temperature to EB1 Wastewater Stripper T66825 in Unit PROSTRIP1 above the required minimum 3-hour average temperature. (Category C4 violation)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 117, SubChapter B 117.340(f)(1)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to comply with the daily validation (>10% zero drift) for Boiler3 NOx Analyzer. (Category C1 violation)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 117, SubChapter B 117.345(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to maintain NOx CEMS daily calibration drift assessment records for

Process Heaters F65630 and F66850. (Category B3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to perform Process Heater F66850 NOx and O2 CEMS daily calibration drift assessments.
(Category B1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to prevent testing the POSM1 firewater pump P60551B during the restricted hours from 6:00 a.m. through noon. (Category C4 violation)

Date: 08/31/2009 (759064)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Lyondell-Basell Channelview Chemical Manufacturing Complex (Lyondell) failed to meet the control efficiency for degassing operations.

Date: 08/31/2009 (811760)

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: 09/30/2009 (811761)

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: 12/31/2009 (811764)

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: 01/08/2010 (785080)

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. Lyondell failed to prevent the release of benzene during maintenance on the Sample Cooler.

Self Report? NO Classification: Moderate

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

Description: Lyondell failed to submit the final record of a reportable emissions event within two weeks of the end of the incident.

Date: 02/02/2010 (767345)

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 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b)
Special Condition 2A PERMIT
Special Condition 8 PERMIT
Special Condition SC 13 PERMIT
Special Condition SC 6 PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to comply with the flare net heating value requirements. (Category C4)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain records documenting continuous flare pilot flame monitoring. (Category C 4 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21 PERMIT
ST&C 26 OP

Description: Failure to maintain compliance with the total annual heat input limit for the F-890 Regeneration Gas Heater (EPN F96890). (Category C 4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain compliance with the vent gas control requirements. (Category C4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15 PERMIT
ST&C 26 OP

Description: Failure to meet the minimum requirement of 725 degrees F. On August 6, 2008 the Cat A Delta temperature failed to meet the minimum requirement of 36.1 degrees F on an intermittent basis between 5:42 a.m. and 10:00 a.m.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain compliance with the CO limits for diesel engine (ENGUT1). (Category B14)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to conduct the required annual HRVOC analyzer calibrations on several instruments. (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)
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 THSC Chapter 382 382.085(b)
Special Condition 10 E PERMIT
Special Condition 15E PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to seal open-ended lines containing VOCs. (Category C10 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-9
5C THSC Chapter 382 382.085(b)
Special Condition 7E PERMIT
Special Condition 7H PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to monitor a repaired fugitive component as required. (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(h)(3)
5C THSC Chapter 382 382.085(b)
Special Condition 28 H PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to attempt a repair of a fugitive component within 5 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: failed to include all required information in a Notice of Compliance Status (NCS) Report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain continuous monitoring records for the T-495 feed parameter (inlet flow monitoring device to the wastewater stripper). (Category C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to comply with the flare exit velocity requirements. (Category C4 Violation)

Date: 03/31/2010 (833326)

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: 07/26/2010 (841594)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
PP.III.D. PERMIT

Description: Failure to conduct assessments and testing as required in the permit inspection schedule of Table III.D.

F. Environmental audits.

10/02/2007
(598186)

Notice of Intent Date:
Disclosure Date: 08/20/2008

Viol. Classification: Moderate
Rqmt Prov: PERMIT O-1387

Description: Failure to comply with emission monitoring for 2006 due to software change over issues.

Viol. Classification: Moderate
Rqmt Prov: PERMIT 18103
PERMIT 19155
PERMIT 19613
PERMIT 20416
PERMIT 2993
PERMIT 3286A
PERMIT 3346
PERMIT O-1387

Description: Failure to comply with LDAR requirements. Specifically, initial monitoring of equipment within the required time frame was not performed for new components added and for monitoring dual mechanical seal pumps, compressors, and agitators. Leaks were classified as Repair Delayed without meeting the repair requirements. Daily calibration records were not maintained. Replacement components were not monitored within time frames.

10/03/2008 (706908)

Notice of Intent Date:

No DOV Associated

01/26/2009 (740554)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
LYONDELL CHEMICAL	**§**	
COMPANY	**§**	
RN100633650	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1575-IHW-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 LYONDELL CHEMICAL COMPANY ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an organic chemical manufacturing plant at 2502 Sheldon Road in Channelview, Harris County, Texas (the "Facility").

2. The Facility involves the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.

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 September 5, 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. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that on March 17, 2010, the Respondent adjusted the automatic waste cut-off system to ensure that an exceedance of carbon monoxide ("CO") does not occur.

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 Facility, the Respondent is alleged to have failed to follow permit operating conditions of a Burner and Industrial Furnace unit while hazardous waste was fed to the unit, in violation of 30 TEX. ADMIN. CODE § 335.221(a)(6), 40 CODE OF FEDERAL REGULATIONS §§ 266.102(e)(2)(ii)(A) and 266.104(b)(1) and Hazardous Waste Permit No. 50288, Permit Provision V.I.3.b., as documented during an investigation conducted on June 8, 2010. Specifically, furnace F-57180 exceeded the permitted limits of CO concentration of 100 parts per million by volume ("PPMV") on June 15, 2009 (110 PPMV) and October 29, 2009 (120.36 and 109.39 PPMV), while hazardous waste was being fed into the unit.

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: LYONDELL CHEMICAL COMPANY, Docket No. 2010-1575-IHW-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 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 Facility 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

_____ 5/20/2011
For the Executive Director 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, 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.

Michael VanderSnick 4/11/11
Signature Date

MICHAEL VANDERSNICK SITE MANAGER
Name (Printed or typed) Title
Authorized Representative of
LYONDELL CHEMICAL COMPANY

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.