Executive Summary – Enforcement Matter – Case No. 43572
PL Propylene LLC
RN102576063
Docket No. 2012-0376-IWD-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
IWD
Small Business:
Yes
Location(s) Where Violation(s) Occurred:
PL Propylene, located at 9822 La Porte Freeway, Houston, Harris County
Type of Operation:
Petrochemical plant
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: June 15, 2012
Comments Received: No

Penalty Information

Total Penalty Assessed: $18,000
Amount Deferred for Expedited Settlement: $3,600
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $7,200
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $7,200
Name of SEP: Houston Arboretum & Nature Center - Hurricane Ike Habitat Restoration and Removal of Invasive Species
Compliance History Classifications:
Person/CN - Average
Site/RN - Average
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43572
PL Propylene LLC
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Docket No. 2012-0376-IWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: January 10, 2012
Date(s) of NOE(s): January 26, 2012

Violation Information

Failed to comply with permitted effluent limits for oil & grease, flouranthene, total residual chlorine, total copper, and flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000393000, Effluent Limitations and Monitoring Requirements No. 1 for Outfalls 001 and 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

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

2. The Order will also require Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000393000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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

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PL Propylene LLC
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Docket No. 2012-0376-IWD-E

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: John L. Parkinson, Vice President of Operations, 909 Fannin Street, Suite 2630, Houston, Texas 77010
Nathan Ticatch, President, PL Propylene LLC, 909 Fannin Street, Suite 2630, Houston, Texas 77010
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0376-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	PL Propylene LLC
Penalty Amount:	Fourteen Thousand Four Hundred Dollars ($14,400)
SEP Offset Amount:	Seven Thousand Two Hundred Dollars ($7,200)
Type of SEP:	Contribution to a Pre-approved Third-Party Recipient
Third-Party Recipient:	Houston Arboretum & Nature Center
Project Name:	*Hurricane Ike Habitat Restoration and Removal of Invasive Species*
Location of SEP:	Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Arboretum & Nature Center** for the *Hurricane Ike Habitat Restoration and Removal of Invasive Species* project. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to clear hurricane debris and invasive species, conduct a forest inventory of existing vegetation in each acre, and then replant the areas of tree loss in a 155-acre non-profit urban nature sanctuary located on the western edge of Memorial Park in Houston, Texas (the "Arboretum"). Invasive Chinese Privet (*Ligustrum sinensis*) shall also be removed by cutting stems/trunks and treating with approved herbicide to retard subsequent growth. The Third-Party Recipient shall then conduct the forest inventory of existing vegetation in each acre, followed by replanting with native trees and shrubs at a rate of 100 plants per acre.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

The Project will restore the native wildlife habitat at the Arboretum which is located in a highly urban area. The restored forest will enhance water quality by serving as a filter for nutrients and other heavy metals thereby reducing the amount of pollutants reaching Buffalo Bayou. This project will also contribute to public awareness of environmental matters since the Arboretum hosts nearly 200,000 visitors each year.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to the Houston Arboretum & Nature Center SEP and shall mail the contribution with a copy of the Agreed Order to:

Deborah Markey, Executive Director
Houston Arboretum & Nature Center
4501 Woodway Drive
Houston, Texas 77024

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES

Assigned	30-Jan-2012				
PCW	10-Feb-2012	**Screening**	12-Feb-2012	**EPA Due**	5-Jun-2012

RESPONDENT/FACILITY INFORMATION

Respondent	PL Propylene LLC		
Reg. Ent. Ref. No.	RN102576063		
Facility/Site Region	12-Houston	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	43572	**No. of Violations**	1
Docket No.	2012-0376-IWD-E	**Order Type**	1660
Media Program(s)	Water Quality	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Heather Brister
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 **Maximum** $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **60.0%** Enhancement *Subtotals 2, 3, & 7* **$4,500**

Notes: Enhancement for 10 months of self-reported effluent violations and five NOVs for dissimilar 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 $438
Approx. Cost of Compliance $5,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$12,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$12,000**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$12,000**

DEFERRAL **20.0%** Reduction *Adjustment* **-$2,400**

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 **$9,600**

Screening Date 12-Feb-2012 **Docket No.** 2012-0376-IWD-E **PCW**

Respondent PL Propylene LLC

Policy Revision 2 (September 2002)

Case ID No. 43572

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102576063

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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*)	10	50%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	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 (*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)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		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) 60%

>> 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 10 months of self-reported effluent violations and five NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 60%

Screening Date 12-Feb-2012 **Docket No.** 2012-0376-IWD-E **PCW**

Respondent PL Propylene LLC *Policy Revision 2 (September 2002)*

Case ID No. 43572 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102576063

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000393000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001 and 002

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on January 10, 2012. See attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of 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 3 | 121 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three quarterly events are recommended for the quarters containing January, February, May, and July 2011.

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 $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $438

Statutory Limit Test

Violation Final Penalty Total $12,000

This violation Final Assessed Penalty (adjusted for limits) $12,000

Economic Benefit Worksheet

Respondent PL Propylene LLC
Case ID No. 43572
Reg. Ent. Reference No. RN102576063
Media Water Quality
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				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)	$5,000	31-Jan-2011	31-Oct-2012	1.75	$438	n/a	$438

Notes for DELAYED costs: Estimated cost to determine the cause of non-compliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the initial month of non-compliance. Final date is the anticipated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL: $438

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) *PCW Revision August 3, 2011*

TCEQ

DATES					
Assigned	30-Jan-2012				
PCW	10-Feb-2012	Screening	10-Feb-2012	EPA Due	5-Jun-2012

RESPONDENT/FACILITY INFORMATION

Respondent	PL Propylene LLC		
Reg. Ent. Ref. No.	RN102576063		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	43572	No. of Violations	1
Docket No.	2012-0376-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $3,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 60.0% Enhancement *Subtotals 2, 3, & 7* $2,250

Notes: Enhancement for 10 months of self-reported effluent violations and five NOVs for dissimilar 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 $0
Approx. Cost of Compliance $0

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* $6,000

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $6,000

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $6,000

DEFERRAL 20.0% Reduction *Adjustment* -$1,200

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 $4,800

Screening Date 10-Feb-2012 **Docket No.** 2012-0376-IWD-E **PCW**

Respondent PL Propylene LLC *Policy Revision 3 (September 2011)*

Case ID No. 43572 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN102576063

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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*)	10	50%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	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 (*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)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 60%

>> 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 10 months of self-reported effluent violations and five NOVs for dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 60%

Screening Date	10-Feb-2012	**Docket No.** 2012-0376-IWD-E	**PCW**
Respondent	PL Propylene LLC		*Policy Revision 3 (September 2011)*
Case ID No.	43572		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102576063		
Media [Statute]	Water Quality		
Enf. Coordinator	Heather Brister		

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000393000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 002

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on January 10, 2012. See attached table.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			x
	Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 $21,250

$3,750

Violation Events

Number of Violation Events 1 — 31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended for the quarter containing the month of October 2011.

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 $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $6,000

This violation Final Assessed Penalty (adjusted for limits) $6,000

Economic Benefit Worksheet

Respondent PL Propylene LLC
Case ID No. 43572
Reg. Ent. Reference No. RN102576063
Media Water Quality
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				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)				0.00	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit on accompanying PCW.						
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 $0

TOTAL $0

Effluent Limit Violation Table

Respondent: PL Propylene LLC
ID Number(s): TPDES Permti No. WQ0000393000
Docket Number: 2012-0376-IWD-E
Enf. Coordinator: Heather Brister
Corresponds to Violation Number: 1

EFFLUENT PARAMETER					
Permit Limit					
	**Oil and Grease Daily Max. Conc. 15 mg/L	**Fluoranthene Daily Max. Conc. 0.054 mg/L	*Total Residual Chlorine Daily Max. Conc. 0.1 mg/L	*Total Copper Daily Max. Loading 0.5 lbs/day	*Daily Max. Flow 2 MGD
Month/Year					
January 2011	N/A	N/A	0.18	c	c
February 2011	N/A	N/A	c	0.79	2.2
May 2011	c	0.103	N/A	N/A	N/A
July 2011	32	c	N/A	N/A	N/A
October 2011	57.3	c	N/A	N/A	N/A

Conc. - Concentration
mg/L - Milligrams per Liter
lbs/day - Pounds per Day
MGD - Million Gallons per Day
Max. - Maximum

N/A - Not applicable
c - Compliant
* - Outfall No. 001
** - Outfall No. 002

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603337676	PL Propylene LLC	Classification: AVERAGE	Rating: 1.76
Regulated Entity:	RN102576063	PL PROPYLENE	Classification: AVERAGE	Site Rating: 0.52
ID Number(s):	AIR OPERATING PERMITS		ACCOUNT NUMBER	HG0035U
	AIR OPERATING PERMITS		PERMIT	1251
	POLLUTION PREVENTION PLANNING		ID NUMBER	P00438
	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	53605
	INDUSTRIAL AND HAZARDOUS WASTE		EPA ID	TXD096035274
	INDUSTRIAL AND HAZARDOUS WASTE		SOLID WASTE REGISTRATION # (SWR)	30463
	WASTEWATER		PERMIT	WQ0000393000
	WASTEWATER		EPA ID	TX0006068
	AIR NEW SOURCE PERMITS		PERMIT	18999
	AIR NEW SOURCE PERMITS		REGISTRATION	25948
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	HG0035U
	AIR NEW SOURCE PERMITS		AFS NUM	4820100117
	AIR NEW SOURCE PERMITS		EPA ID	PSDTX755
	AIR NEW SOURCE PERMITS		REGISTRATION	96073
	AIR NEW SOURCE PERMITS		REGISTRATION	98659
	AIR NEW SOURCE PERMITS		REGISTRATION	99333
	AIR NEW SOURCE PERMITS		REGISTRATION	97643
	STORMWATER		PERMIT	TXR05X163
	AIR EMISSIONS INVENTORY		ACCOUNT NUMBER	HG0035U

Location: 9822 LA PORTE FWY, HOUSTON, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 09, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 09, 2007 to February 09, 2012

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

Name: Heather Brister Phone: (254) 761-3034

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. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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. N/A

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	02/16/2007	(575382)
2	03/26/2007	(575383)
3	04/18/2007	(575384)
4	05/14/2007	(575385)
5	06/14/2007	(575386)
6	11/27/2007	(595743)
7	12/20/2007	(599299)
8	07/18/2007	(601639)
9	08/16/2007	(601640)
10	09/17/2007	(601641)
11	10/02/2007	(607368)
12	03/05/2008	(616154)
13	10/12/2007	(619533)
14	11/16/2007	(619534)
15	12/20/2007	(619535)
16	02/19/2008	(672061)
17	03/17/2008	(672062)
18	01/23/2008	(672063)
19	04/15/2008	(689971)

20	07/18/2008	(689972)
21	07/18/2008	(689973)
22	07/18/2008	(689974)
23	08/19/2008	(710759)
24	09/18/2008	(710760)
25	10/17/2008	(710761)
26	04/01/2009	(726293)
27	11/20/2008	(727499)
28	01/09/2009	(727500)
29	02/17/2009	(750290)
30	03/05/2009	(750291)
31	04/14/2009	(750292)
32	02/06/2009	(750293)
33	02/06/2009	(758949)
34	07/20/2009	(762720)
35	07/31/2009	(762741)
36	05/20/2009	(768382)
37	06/05/2009	(768383)
38	07/22/2010	(803146)
39	02/05/2010	(804707)
40	07/15/2009	(804708)
41	08/17/2009	(804709)
42	09/09/2009	(804710)
43	10/07/2009	(804711)
44	11/04/2009	(804712)
45	12/07/2009	(804713)
46	01/04/2010	(804714)
47	03/04/2010	(830904)
48	04/05/2010	(830905)
49	05/04/2010	(830906)
50	06/17/2010	(846276)
51	07/12/2010	(860870)
52	11/01/2010	(863331)
53	11/15/2010	(864052)
54	08/04/2010	(866837)
55	01/18/2011	(873527)
56	09/16/2010	(873908)
57	10/04/2010	(881509)
58	11/02/2010	(888036)
59	12/03/2010	(896249)
60	12/31/2010	(902312)
61	02/02/2011	(909093)
62	03/07/2011	(916351)
63	04/04/2011	(924819)
64	07/06/2011	(935195)
65	05/10/2011	(938033)
66	08/23/2011	(944732)
67	06/03/2011	(945402)
68	12/21/2011	(949274)
69	07/07/2011	(952631)
70	08/15/2011	(959312)
71	09/06/2011	(965345)
72	10/06/2011	(971385)
73	11/15/2011	(977544)
74	01/26/2012	(980311)
75	12/05/2011	(984312)

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

Date: **10/02/2007** (607368) CN603337676

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Date: **11/01/2007** (595743) CN603337676
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)
5C THC Chapter 382, SubChapter D 382.085(b)
Special Terms and Conditions No. 1A OP
Description: Failure to submit a semiannual CEMS report within 30 days of the end of the reporting period.

Date: **06/30/2008** (689974) CN603337676
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **07/31/2008** (710759) CN603337676
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: **02/06/2009** (758949) CN603337676
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: **05/31/2010** (846276) CN603337676
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 **07/23/2010** (803146) CN603337676
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Description: Failure to provide the controls required by 30 TAC 115.412(1) for cold solvent cleaner EPN DEGR-1 during the period June 22, 2009 through June 29, 2009 when a solvent with vapor pressure above 0.6 psia was used. [Category C4]

Date **07/31/2010** (866837) CN603337676
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 **10/31/2010** (888036) CN603337676
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 **01/31/2011** (909093) CN603337676
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 **02/28/2011** (916351) CN603337676
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 **05/31/2011** (945402) CN603337676
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date **07/31/2011** (959312) CN603337676
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 **10/31/2011** (977544) CN603337676
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 **12/22/2011** (949274) CN603337676
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 40B PA
Special Terms & Conditions 1A & 15 OP
Description: Failure to perform a cylinder gas audit on the Auxiliary Boiler (EPN: 1-104BD) in a timely manner. The cylinder gas audit was conducted 5 days after the end of the calendar quarter. (Category C1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to document and maintain a written notification during the times the diesel engines (EPN: 152-J, 152-JA, and 152-JB) were operating. (Category C3)

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 18 PA
Special Terms and Conditions 1A & 15 OP
Description: Failure to prevent an exceedance above the 0.008 lb NOx/MMBtu three-hour rolling average limit for the Charge Gas Heater (EPN: 4000-B) on August 2-4, 2011 and August 8, 2011. (Category B13)

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 19 PA
Special Terms & Conditions 1A & 15 OP

Description: Failure to maintain the average firebox temperature at 1,600 degrees Fahrenheit for the Charge Gas Heater (EPN: 4000-B) on March 7, 2011 through March 10, 2011 and August 1, 2011 through August 4, 2011. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
Special Term & Condition 1A OP

Description: Failure to submit a written notification of the actual date of initial startup for the Auxiliary Boiler (EPN: 1-104BD), Demethanizer (EPN: 2405E), Light End Fractionating Column (EPN: 2415E). (Category B3)

F.	Environmental audits.	N/A
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**
PL PROPYLENE LLC	§	
RN102576063	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2012-0376-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PL Propylene LLC ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical plant located at 9822 La Porte Freeway in Houston, Harris County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Executive Director 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 January 31, 2012.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eighteen Thousand Dollars ($18,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Two Hundred Dollars ($7,200) of the administrative penalty and Three Thousand Six Hundred Dollars

($3,600) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Seven Thousand Two Hundred Dollars ($7,200) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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

8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

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 Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000393000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001 and 002, as documented during a record review conducted on January 10, 2012, and shown in the table below:

EFFLUENT PARAMETER					
Permit Limit					
	**Oil and Grease Daily Max. Conc. 15 mg/L	**Fluoranthene Daily Max. Conc. 0.054 mg/L	*Total Residual Chlorine Daily Max. Conc. 0.1 mg/L	*Total Copper Daily Avg. Loading 0.5 lbs/day	*Daily Max. Flow 2 MGD
Month/Year					
January 2011	N/A	N/A	0.18	c	c
February 2011	N/A	N/A	c	0.79	2.2
May 2011	c	0.103	N/A	N/A	N/A
July 2011	32	c	N/A	N/A	N/A
October 2011	57.3	c	N/A	N/A	N/A

Max. - Maximum
Conc. - Concentration
mg/L - Milligrams per Liter
lbs/day - Pounds per Day
MGD - Million Gallons per Day
Avg. - Average
N/A - Not applicable
c - Compliant
* - Outfall No. 001
** - Outfall No. 002

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: PL Propylene LLC, Docket No. 2012-0376-IWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand Two Hundred Dollars ($7,200) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally

offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000393000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. 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.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 7/6/12
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.

_____ 4/18/2012
Signature Date

John L. Parkinson VP Operations
Name (Printed or typed) Title
Authorized Representative of
PL Propylene LLC

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

Attachment A
Docket Number: 2012-0376-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	PL Propylene LLC
Penalty Amount:	Fourteen Thousand Four Hundred Dollars ($14,400)
SEP Offset Amount:	Seven Thousand Two Hundred Dollars ($7,200)
Type of SEP:	Contribution to a Pre-approved Third-Party Recipient
Third-Party Recipient:	Houston Arboretum & Nature Center
Project Name:	*Hurricane Ike Habitat Restoration and Removal of Invasive Species*
Location of SEP:	Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Arboretum & Nature Center** for the *Hurricane Ike Habitat Restoration and Removal of Invasive Species* project. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to clear hurricane debris and invasive species, conduct a forest inventory of existing vegetation in each acre, and then replant the areas of tree loss in a 155-acre non-profit urban nature sanctuary located on the western edge of Memorial Park in Houston, Texas (the "Arboretum"). Invasive Chinese Privet (*Ligustrum sinensis*) shall also be removed by cutting stems/trunks and treating with approved herbicide to retard subsequent growth. The Third-Party Recipient shall then conduct the forest inventory of existing vegetation in each acre, followed by replanting with native trees and shrubs at a rate of 100 plants per acre.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

The Project will restore the native wildlife habitat at the Arboretum which is located in a highly urban area. The restored forest will enhance water quality by serving as a filter for nutrients and other heavy metals thereby reducing the amount of pollutants reaching Buffalo Bayou. This project will also contribute to public awareness of environmental matters since the Arboretum hosts nearly 200,000 visitors each year.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to the Houston Arboretum & Nature Center SEP and shall mail the contribution with a copy of the Agreed Order to:

Deborah Markey, Executive Director
Houston Arboretum & Nature Center
4501 Woodway Drive
Houston, Texas 77024

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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