

Executive Summary – Enforcement Matter – Case No. 44544
Westlake Longview Corporation
RN105138721
Docket No. 2012-1404-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Westlake Longview, 2290 Callahan Road, Longview, Harrison County

Type of Operation:

Plastics materials 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: January 4, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,923

Amount Deferred for Expedited Settlement: \$5,784

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$23,139

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 and September 2011

Executive Summary – Enforcement Matter – Case No. 44544
Westlake Longview Corporation
RN105138721
Docket No. 2012-1404-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 1, 2012 and July 11, 2012

Date(s) of NOE(s): June 26, 2012 and August 29, 2012

Violation Information

1. Failed to conduct monthly monitoring on ten agitators and 18 pumps in the Polyethylene Plant No. 3 Miscellaneous Organic Chemical Manufacturing Process Units ("PE-3 MCPU"). Specifically, in the semi-annual report for the period of July 1 through December 31, 2011, it was reported that monitoring was not conducted in December 2011 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.520, 113.890, and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.1026(b)(1) and 63.1028(c)(1), Federal Operating Permit ("FOP") No. O1967, Special Terms and Conditions ("STC") No. 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to document weekly visual inspections of two agitator seals in the PE-3 MCPU. Specifically, in the semi-annual report for the period of July 1 through December 31, 2011, it was reported that two weekly inspections were not recorded during the week of October 2, 2011 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.520, 113.890, and 122.143(4), 40 CFR §§ 63.1028(c)(3)(i), 63.1038(c)(4)(i), and 63.2480(a), FOP No. O1967, STC No. 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to maintain an emissions rate below the allowable emissions rate of 0.74 pounds per hour ("lbs/hr") of carbon monoxide ("CO") and 6.07 lbs/hr of nitrogen oxides ("NOx") from emission point number ("EPN") 012C2AE, as reported in the semi-annual deviation reports for the periods of November 1, 2010 through April 30, 2011 and May 1, 2011 through October 31, 2011. Specifically, during an abbreviated stack test conducted on April 12, 2011, it was determined that the engine was exceeding the maximum allowable CO and NOx emissions rates [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1983, STC No. 5 (formerly 8), New Source Review Permit No. 7695, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

a. Within 30 days:

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Westlake Longview Corporation
RN105138721
Docket No. 2012-1404-AIR-E

- i. Implement measures to ensure that agitators and pumps are monitored monthly;
 - ii. Implement measures designed to ensure that weekly inspections are recorded; and
 - iii. Implement measures designed to ensure that EPN 012C2AE is operating within CO and NOx permitted limits.
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision 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: Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Kip Klee, Senior Environmental Engineer, Westlake Longview Corporation, P.O. Box 8388, Longview, Texas 75607-8388
R. Jess Newsom, Plant Manager, Westlake Longview Corporation, P.O. Box 8388, Longview, Texas 75607-8388
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	4-Sep-2012	Screening	12-Sep-2012	EPA Due	26-May-2013
	PCW	26-Sep-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Westlake Longview Corporation
Reg. Ent. Ref. No.	RN105138721
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	44544	Order Type	1660
Docket No.	2012-1404-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	52.0% Enhancement	Subtotals 2, 3, & 7

Notes	Enhancement for ten NOV's with same/similar violations and one NOV with dissimilar violations.	Subtotal 2, 3, & 7	\$7,800
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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
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$514	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$5,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes		Final Penalty Amount	\$22,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$22,800
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,560
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$18,240
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Screening Date 12-Sep-2012

Docket No. 2012-1404-AIR-E

PCW

Respondent Westlake Longview Corporation

Policy Revision 2 (September 2002)

Case ID No. 44544

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105138721

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	10	50%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 52%

>> 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 ten NOVs with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 52%

Screening Date 12-Sep-2012

Docket No. 2012-1404-AIR-E

PCW

Respondent Westlake Longview Corporation

Policy Revision 2 (September 2002)

Case ID No. 44544

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105138721

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1983, Special Terms and Conditions No. 5 (formerly 8), New Source Review Permit No. 7695, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emissions rate below the allowable emissions rate of 0.74 pounds per hour ("lbs/hr") of carbon monoxide ("CO") and 6.07 lbs/hr of nitrogen oxides ("NOx") from emission point number ("EPN") 012C2AE, as reported in the semi-annual deviation reports for the periods of November 1, 2010 through April 30, 2011 and May 1, 2011 through October 31, 2011. Specifically, during an abbreviated stack test conducted on April 12, 2011, it was determined that the engine was exceeding the maximum allowable CO and NOx emissions rates.

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 did 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 6

519 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$15,000

Six quarterly events are recommended from the stack test date of April 12, 2011 to the screening date of September 12, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$514

Violation Final Penalty Total \$22,800

This violation Final Assessed Penalty (adjusted for limits) \$22,800

Economic Benefit Worksheet

Respondent Westlake Longview Corporation
Case ID No. 44544
Reg. Ent. Reference No. RN105138721
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	12-Apr-2011	1-May-2013	2.05	\$514	n/a	\$514

Notes for DELAYED costs

Estimated expense to implement measures designed to ensure that EPN 012C2AE is operating within permitted limits. The Date Required is the date the exceedance was first documented. The Final Date is the the date corrective actions are projected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$514



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Sep-2012	Screening	12-Sep-2012	EPA Due	N/A
	PCW	26-Sep-2012				

RESPONDENT/FACILITY INFORMATION			
Respondent	Westlake Longview Corporation		
Reg. Ent. Ref. No.	RN105138721		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	44544	No. of Violations	2
Docket No.	2012-1404-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	52.0% Enhancement	Subtotals 2, 3, & 7

Notes	Enhancement for ten NOVs with same/similar violations and one NOV with dissimilar violations.	Subtotal 2	\$2,080
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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
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$202	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$2,543		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,080
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.7%	Adjustment	\$43
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes	Recommended enhancement for recovery of avoided costs associated with the violations.	Final Penalty Amount	\$6,123
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,123
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,224
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)			

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$4,899
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Screening Date 12-Sep-2012

Docket No. 2012-1404-AIR-E

PCW

Respondent Westlake Longview Corporation

Policy Revision 3 (September 2011)

Case ID No. 44544

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105138721

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	10	50%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 52%

>> **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 ten NOVs with same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 52%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 52%

Screening Date 12-Sep-2012

Docket No. 2012-1404-AIR-E

PCW

Respondent Westlake Longview Corporation

Policy Revision 3 (September 2011)

Case ID No. 44544

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105138721

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.520, 113.890, and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 63.1026(b)(1) and 63.1028(c)(1), Federal Operating Permit ("FOP") No. O1967, Special Terms and Conditions ("STC") No. 1.D., and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct monthly monitoring on ten agitators and 18 pumps in the Polyethylene Plant No. 3 Miscellaneous Organic Chemical Manufacturing Process Units ("PE-3 MCPU"). Specifically, in the semi-annual report for the period of July 1 through December 31, 2011, it was reported that monitoring was not conducted in December 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> 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 and environmental receptors as a result of the violation. Estimated emissions of 616.93 pounds of volatile organic compounds for the months not monitored were calculated utilizing the Facility/Compound Specific Fugitive Emission Factors in the "Air Permits Technical Guidance for Chemical Sources: Equipment Leak Fugitives."

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 31

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 during which monitoring was not conducted.

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

Statutory Limit Test

Estimated EB Amount \$106

Violation Final Penalty Total \$5,740

This violation Final Assessed Penalty (adjusted for limits) \$5,740

Economic Benefit Worksheet

Respondent Westlake Longview Corporation
Case ID No. 44544
Reg. Ent. Reference No. RN105138721
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Dec-2011	1-Mar-2013	1.17	\$88	n/a	\$88

Notes for DELAYED costs

Estimated cost to implement measures to ensure that agitators and pumps are monthly monitored. The Date Required is the last day of the month during which monitoring was required. The Final Date is the date corrective actions are projected to be completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$18	31-Dec-2011	31-Dec-2011	0.00	\$0	\$18	\$18
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to monitor 28 components for one month. The Date Required and Final Date is the last day of the month during which monitoring was required.

Approx. Cost of Compliance

\$1,518

TOTAL

\$106

Screening Date 12-Sep-2012

Docket No. 2012-1404-AIR-E

PCW

Respondent Westlake Longview Corporation

Policy Revision 3 (September 2011)

Case ID No. 44544

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105138721

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.520, 113.890, and 122.143(4), 40 CFR §§ 63.1028(c)(3)(i), 63.1038(c)(4)(i), and 63.2480(a), FOP No. O1967, STC No. 1.D. and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to document weekly visual inspections of two agitator seals in the PE-3 MPCU. Specifically, in the semi-annual certification for the period of July 1 through December 31, 2011, it was reported that two weekly inspections were not documented during the week of October 2, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%

Approximately 20% (2 of 10) of the agitator inspections were not recorded.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 7

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97

Violation Final Penalty Total \$383

This violation Final Assessed Penalty (adjusted for limits) \$383

Economic Benefit Worksheet

Respondent Westlake Longview Corporation
Case ID No. 44544
Reg. Ent. Reference No. RN105138721
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	9-Oct-2011	15-Mar-2013	1.43	\$72	n/a	\$72

Notes for DELAYED costs

Estimated cost to implement measure designed to ensure that weekly inspections are recorded. The Date Required is the last day of the week during which an inspection should have been recorded. The Final Date is the date corrective actions are projected to be completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$25	9-Oct-2011	9-Oct-2011	0.00	\$0	\$25	\$25

Notes for AVOIDED costs

Estimated cost to record a weekly inspection for two agitators. The Required and Final Date is the last day of the week during which the inspection should have been recorded.

Approx. Cost of Compliance

\$1,025

TOTAL

\$97

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603126459 Westlake Longview Corporation	Classification: AVERAGE	Rating: 4.27
Regulated Entity:	RN105138721 WESTLAKE LONGVIEW	Classification: AVERAGE	Site Rating: 2.26

ID Number(s):			
	AIR OPERATING PERMITS	PERMIT	1983
	AIR OPERATING PERMITS	PERMIT	1967
	AIR OPERATING PERMITS	PERMIT	1969
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HHA004D
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HHA004D
	AIR NEW SOURCE PERMITS	AFS NUM	4820300101
	AIR NEW SOURCE PERMITS	REGISTRATION	93675
	AIR NEW SOURCE PERMITS	REGISTRATION	93845
	AIR NEW SOURCE PERMITS	REGISTRATION	94674
	AIR NEW SOURCE PERMITS	REGISTRATION	91568
	AIR NEW SOURCE PERMITS	REGISTRATION	91935
	AIR NEW SOURCE PERMITS	REGISTRATION	92865
	AIR NEW SOURCE PERMITS	REGISTRATION	92408
	AIR NEW SOURCE PERMITS	REGISTRATION	91991
	AIR NEW SOURCE PERMITS	REGISTRATION	83467
	AIR NEW SOURCE PERMITS	REGISTRATION	89177
	AIR NEW SOURCE PERMITS	REGISTRATION	42046
	AIR NEW SOURCE PERMITS	PERMIT	18104
	AIR NEW SOURCE PERMITS	PERMIT	48592
	AIR NEW SOURCE PERMITS	PERMIT	8522
	AIR NEW SOURCE PERMITS	REGISTRATION	72733
	AIR NEW SOURCE PERMITS	REGISTRATION	73745
	AIR NEW SOURCE PERMITS	REGISTRATION	75234
	AIR NEW SOURCE PERMITS	REGISTRATION	77329
	AIR NEW SOURCE PERMITS	REGISTRATION	78971
	AIR NEW SOURCE PERMITS	REGISTRATION	76570
	AIR NEW SOURCE PERMITS	REGISTRATION	74158
	AIR NEW SOURCE PERMITS	PERMIT	20505
	AIR NEW SOURCE PERMITS	REGISTRATION	52820
	AIR NEW SOURCE PERMITS	REGISTRATION	53265
	AIR NEW SOURCE PERMITS	REGISTRATION	56666
	AIR NEW SOURCE PERMITS	REGISTRATION	94566
	AIR NEW SOURCE PERMITS	REGISTRATION	86759
	AIR NEW SOURCE PERMITS	REGISTRATION	91275
	AIR NEW SOURCE PERMITS	REGISTRATION	87561
	AIR NEW SOURCE PERMITS	REGISTRATION	86751
	AIR NEW SOURCE PERMITS	REGISTRATION	95987
	AIR NEW SOURCE PERMITS	REGISTRATION	48362
	AIR NEW SOURCE PERMITS	REGISTRATION	76155
	AIR NEW SOURCE PERMITS	REGISTRATION	77496
	AIR NEW SOURCE PERMITS	PERMIT	7695
	AIR NEW SOURCE PERMITS	PERMIT	19959
	AIR NEW SOURCE PERMITS	REGISTRATION	82737
	AIR NEW SOURCE PERMITS	REGISTRATION	74404
	AIR NEW SOURCE PERMITS	REGISTRATION	75070
	AIR NEW SOURCE PERMITS	REGISTRATION	73616
	AIR NEW SOURCE PERMITS	REGISTRATION	83714
	AIR NEW SOURCE PERMITS	REGISTRATION	76352
	AIR NEW SOURCE PERMITS	REGISTRATION	75615

AIR NEW SOURCE PERMITS	REGISTRATION	76607
AIR NEW SOURCE PERMITS	REGISTRATION	76857
AIR NEW SOURCE PERMITS	REGISTRATION	73053
AIR NEW SOURCE PERMITS	REGISTRATION	53812
AIR NEW SOURCE PERMITS	PERMIT	47007
AIR NEW SOURCE PERMITS	PERMIT	6509
AIR NEW SOURCE PERMITS	REGISTRATION	56500
AIR NEW SOURCE PERMITS	REGISTRATION	75122
AIR NEW SOURCE PERMITS	REGISTRATION	83004
AIR NEW SOURCE PERMITS	PERMIT	83756
AIR NEW SOURCE PERMITS	REGISTRATION	56022
AIR NEW SOURCE PERMITS	REGISTRATION	70078
AIR NEW SOURCE PERMITS	REGISTRATION	55182
AIR NEW SOURCE PERMITS	REGISTRATION	50574
AIR NEW SOURCE PERMITS	REGISTRATION	47890
AIR NEW SOURCE PERMITS	REGISTRATION	99110
AIR NEW SOURCE PERMITS	REGISTRATION	91485
AIR NEW SOURCE PERMITS	REGISTRATION	85314
AIR NEW SOURCE PERMITS	REGISTRATION	96441
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HHA004D

Location: 2290 CALLAHAN RD, LONGVIEW, TX, 75602

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: July 13, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 13, 2007 to July 13, 2012

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. 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 06/26/2012 (1001805)
- 2 05/07/2012 (1001993)
- 3 07/03/2012 (1014463)

4 08/07/2007 (570124)
 5 08/07/2007 (570130)
 6 08/29/2008 (699808)
 7 08/29/2008 (699809)
 8 08/29/2008 (699810)
 9 01/16/2009 (723171)
 10 02/20/2009 (726560)
 11 02/20/2009 (726592)
 12 02/20/2009 (726600)
 13 03/13/2009 (735584)
 14 04/30/2009 (742051)
 15 08/31/2009 (767059)
 16 10/16/2009 (777663)
 17 11/16/2009 (781760)
 18 01/29/2010 (787255)
 19 06/09/2010 (801632)
 20 07/23/2010 (829942)
 21 11/15/2010 (873743)
 22 04/13/2011 (907005)
 23 05/16/2011 (914937)
 24 07/28/2011 (937647)
 25 08/31/2011 (949166)
 26 02/29/2012 (988069)
 27 03/02/2012 (988710)

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

Date: 08/29/2008 (699808) CN603126459
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 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)
 General Terms and Conditions OP
 Description: Failure to prevent 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)
 General Terms and Conditions OP
 Special Condition 6 PERMIT
 Description: Failure to collect and/or analyze the weekly polymer samples.

Date: 08/29/2008 (699810) CN603126459
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to create a final record for a non-reportable emission event within 14 days.

Date: 08/29/2008 (699809) CN603126459
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
Description: Failure to create a final record for non-reportable emission events within 14 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to create a final record for non-reportable scheduled maintenance, startup, and shutdown events within 14 days.

Date: 02/20/2009 (726560) CN603126459

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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)
General Terms and Conditions OP

Description: Failure to prevent 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)
General Terms and Conditions OP
Special Condition 6 PERMIT

Description: Failure to collect and/or analyze the weekly polymer samples.

Date: 02/20/2009 (726592) CN603126459

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

Description: Failure to create a final record for non-reportable emission events within 14 days.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to create a final record for non-reportable scheduled maintenance, startup, and shutdown events within 14 days.

Date: 02/20/2009 (726600) CN603126459

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

Description: Failure to create a final record for a non-reportable emission event within 14 days.

Date: 04/30/2009 (742051) CN603126459

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

Description: Failure to create a final record for a non-reportable emissions event within 14 days.

Date: 01/29/2010 (787255) CN603126459

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions 2.F OP

Description: Failure to create a final record for a non-reportable emissions event within 14 days. Westlake failed to create a final record for one non-reportable emissions events within 14 days as required by 30 TAC 101.201(b)(2) for an event which occurred on September 3, 2009 to September 4, 2009. The final record for this non-reportable emissions event was created on November 19, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
 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 60.482-9(a)
 5C THSC Chapter 382 382.085(b)
 General Condition 10 PERMIT
 Special Condition 13I PERMIT
 Special Terms and Conditions 8 OP

Description: Failure to repair a valve that had been placed on Delay of Repair (DOR) during the next scheduled shutdown. The valve was placed on DOR on April 5, 2007, but was not replaced during the shutdown which occurred during February 2009. Westlake repaired the valve in December 2009.

Date: 04/13/2011 (907005) CN603126459

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions 2.G. OP

Description: Failure to create a final record for a non-reportable MSS event within 14 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions 2.F. OP

Description: Failure to create a final record for four non-reportable emissions events within 14 days.

Date: 05/13/2011 (914937) CN603126459

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)

Description: Failure to conduct and record daily inspections of baghouse vents for visible emissions for the period of 3/1/10 to 2/28/11.

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)
 FOP STC 4 OP
 NSR SC7 OP

Description: Failure to monitor and record differential pressure across each baghouse at least once per shift.

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)
 FOP STC 4 OP
 NSR SC 11B OP

Description: Failure to equip storage tanks emitting greater than 0.1 tpy of VOCs with permanent submerged fill pipes.

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)
FOP STC 4 OP
NSR SC 7 OP

Description: Failure to maintain pressure drop across each baghouse below the maximum limits specified. According to the NSR permit baghouse FIN PE137F803 has a maximum pressure drop of 3 inches of water and FIN PE137VS1 has a maximum pressure drop of 40 inches of water.

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)
FOP STC 4 OP
NSR SC 13E OP

Description: Failure to install a cap, blind, flange, plug, or a second valve to seal each open-ended line.

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)
FOP STC 4 OP
NSR SC 9A OP

Description: Failure to maintain the minimum heating value of the waste gas to the flare, as specified in 40 CFR 60.18.

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)
FOP STC 4 OP
NSR SC 15C OP

Description: Failure to inspect valves capable of bypassing a control device on a monthly basis.

Date: 08/31/2011 (949166) CN603126459

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 6 PERMIT
Special Terms and Conditions 9 OP

Description: Failure to collect and analyze the weekly polymer sample for the week of October 31, 2010.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1028(c)(3)(i)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1.D. OP

Description: Failure to complete weekly AVO inspections on four agitators in the PE-3 MPCU.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038(c)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1.D OP

Description: Failure to document nine weekly agitator inspections.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1028(c)(1)
5C THSC Chapter 382 382.085(b)

Special Terms and Conditions 1.D. OP

Description: Failure to complete monthly monitoring on three agitators in the PE-3 MPCU.

Date: 07/03/2012 (1014463) CN603126459

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)
FOP STC 4 OP
NSR SC 7 PERMIT

Description: Failure to maintain pressure drop across each baghouse below the maximum limits specified.

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)
FOP STC 4 OP
NSR SC 9A PERMIT

Description: Failure to maintain the minimum heating value of the waste gas to the flare, as specified in 40 CFR 60.18.

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
ENFORCEMENT ACTION
CONCERNING
WESTLAKE LONGVIEW
CORPORATION
RN105138721**

§
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§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-1404-AIR-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 Westlake Longview Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a plastics materials manufacturing plant at 2290 Callahan Road in Longview, Harrison County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 notices of the violations alleged in Section II ("Allegations") on or about July 1 and September 3, 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 Twenty-Eight Thousand Nine Hundred Twenty-Three Dollars (\$28,923) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Three

Thousand One Hundred Thirty-Nine Dollars (\$23,139) of the administrative penalty and Five Thousand Seven Hundred Eighty-Four Dollars (\$5,784) 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.

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 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 Plant, the Respondent is alleged to have:

1. Failed to conduct monthly monitoring on ten agitators and 18 pumps in the Polyethylene Plant No. 3 Miscellaneous Organic Chemical Manufacturing Process Units ("PE-3 MCPU"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.520, 113.890, and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.1026(b)(1) and 63.1028(c)(1), Federal Operating Permit ("FOP") No. O1967, Special Terms and Conditions ("STC") No. 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 1, 2012. Specifically, in the semi-annual report for the period of July 1 through December 31, 2011, it was reported that monitoring was not conducted in December 2011.
2. Failed to document weekly visual inspections of two agitator seals in the PE-3 MCPU, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.520, 113.890, and 122.143(4), 40 CFR §§ 63.1028(c)(3)(i), 63.1038(c)(4)(i), and 63.2480(a), FOP No. O1967, STC No. 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 1, 2012. Specifically, in the semi-annual report for the period of July

1 through December 31, 2011, it was reported that two weekly inspections were not recorded during the week of October 2, 2011.

3. Failed to maintain an emissions rate below the allowable emissions rate of 0.74 pounds per hour ("lbs/hr") of carbon monoxide ("CO") and 6.07 lbs/hr of nitrogen oxides ("NOx") from emission point number ("EPN") 012C2AE, as reported in the semi-annual deviation reports for the periods of November 1, 2010 through April 30, 2011 and May 1, 2011 through October 31, 2011, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1983, STC No. 5 (formerly 8), New Source Review Permit No. 7695, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted July 11 through 20, 2012. Specifically, during an abbreviated stack test conducted on April 12, 2011, it was determined that the engine was exceeding the maximum allowable CO and NOx emissions rates.

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: Westlake Longview Corporation, Docket No. 2012-1404-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures to ensure that agitators and pumps are monthly monitored, in accordance with 40 CFR §§ 63.1026(b)(1) and 63.1028(c)(1);
 - ii. Implement measure designed to ensure that weekly inspections are recorded, in accordance with 40 CFR § 63.1038(c)(4)(i); and

- iii. Implement measures designed to ensure that EPN 012C2AE is operating within CO and NO_x permitted limits.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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:

Air Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Perm Davis J
For the Executive Director

2/13/13
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.

Tess Newsom
Signature

11/08/12
Date

R. JESS NEWSOM
Name (Printed or typed)
Authorized Representative of
Westlake Longview Corporation

PLANT MANAGER
Title

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