

Executive Summary – Enforcement Matter – Case No. 45178
Equistar Chemicals, LP
RN100542281
Docket No. 2012-2074-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Channelview Complex, 8280 Sheldon Road, Channelview, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 15, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,250

Amount Deferred for Expedited Settlement: \$2,850

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,700

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,700

Name of SEP: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 45178
Equistar Chemicals, LP
RN100542281
Docket No. 2012-2074-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 13, 2012

Date(s) of NOE(s): September 27, 2012

Violation Information

Failed to prevent unauthorized emissions during an emissions event that occurred on May 20, 2012. Specifically, Respondent released 18,583 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") (including 74 lbs of 1,3 butadiene, 2,230 lbs of butane, 8,827 lbs of butenes (all isomers), 7,247 lbs of isobutane, 19 lbs of pentane, and 186 lbs of propane) from the 6" valve on the #1 pipeline in the East Plant Tank Farm during the 30 minute event (Incident No. 168665). The event occurred when the 6" valve failed during pipeline cleaning. Steam was used to purge the line and was applied to the valve; during this process, the operator left the area unattended, which caused over steaming. Trapped hydrocarbons in the valve thermally expanded, causing the seal ring to fail and releasing VOC to the atmosphere. Since this emissions event was avoidable by better maintenance and operational practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.082(b), and New Source Review Permit No. 2128, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On May 22, 2012, replaced the failed valve with a valve of a different design which promotes the venting of the body cavity to the low-pressure side;
- b. On October 19, 2012, updated the EPHC-0622 Routine Task procedure in the East Plant Common manual to increase recognition of the hazards associated with the potential for trapped liquids; and
- c. On October 24, 2012, completed personnel training for the new EPHC-0622 Routine Task procedure.

Technical Requirements:

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

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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: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Courtney Ruth, Site Manager Channelview Complex, Equistar
Chemicals, LP, 8280 Sheldon Road, Channelview, Texas 77530
Terrie Paschal, Senior Environmental Engineer, Equistar Chemicals, LP, 8280 Sheldon
Road, Channelview, Texas 77530
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-2074-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	Eleven Thousand Four Hundred Dollars (\$11,400)
SEP Amount:	Five Thousand Seven Hundred Dollars (\$5,700)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program
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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Equistar Chemicals, LP
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	1-Oct-2012	Screening	8-Oct-2012	EPA Due	
	PCW	8-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN100542281		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	45178	No. of Violations	1
Docket No.	2012-2074-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		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** **\$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 **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,500**

Notes

Enhancement for repeat violator status, one court order with denial of liability, one agreed order without denial of liability, nine agreed orders with denial of liability, three NOVs with same/similar violations, and three NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and for five Disclosures of Violations.

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

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$750**

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

Total EB Amounts **\$11**
 Approx. Cost of Compliance **\$500**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$14,250**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$14,250**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$14,250**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,850**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$11,400**

Screening Date 8-Oct-2012

Docket No. 2012-2074-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 3 (September 2011)

Case ID No. 45178

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542281

Media [Statute] Air

Enf. Coordinator Heather Podlipny

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>)	3	15%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	1	30%
	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>)	4	-4%
	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>)	5	-10%

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) 242%

>> **Repeat Violator (Subtotal 3)**

Yes

Adjustment Percentage (Subtotal 3) 25%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for repeat violator status, one court order with denial of liability, one agreed order without denial of liability, nine agreed orders with denial of liability, three NOVs with same/similar violations, and three NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and for five Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 267%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 8-Oct-2012

Docket No. 2012-2074-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 3 (September 2011)

Case ID No. 45178

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542281

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.082(b), and New Source Review Permit No. 2128, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions during an emissions event that occurred on May 20, 2012. Specifically, the Respondent released 18,583 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") (including 74 lbs of 1,3 butadiene, 2,230 lbs of butane, 8,827 lbs of butenes (all isomers), 7,247 lbs of isobutane, 19 lbs of pentane, and 186 lbs of propane) from the 6" valve on the #1 pipeline in the East Plant Tank Farm during the 30 minute event (Incident No. 168665). The event occurred when the 6" valve failed during pipeline cleaning. Steam was used to purge the line and was applied to the valve; during this process, the operator left the area unattended, which caused over steaming. Trapped hydrocarbons in the valve thermally expanded, causing the seal ring to fail and releasing VOC to the atmosphere. Since this emissions event was avoidable by better maintenance and operational practices, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent returned to compliance on October 24, 2012 and the NOE is dated September 27, 2012.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 45178
Reg. End. Reference RN100542281
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	\$500	20-May-2012	24-Oct-2012	0.43	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update and implement training and operating procedures to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the 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

\$500

TOTAL

\$11

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600124705, RN100542281, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN600124705, Equistar Chemicals, LP	Classification: SATISFACTORY	Rating: 16.98
Regulated Entity:	RN100542281, CHANNELVIEW COMPLEX	Classification: SATISFACTORY	Rating: 31.25
Complexity Points:	40	Repeat Violator: YES	
CH Group:	05 - Chemical Manufacturing		
Location:	8280 SHELDON RD APPROX 1 MI N OF SHELDON RD & WALLSVILLE RD INTX KEY MAP - 458K HARRIS, TX, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0033B
AIR OPERATING PERMITS PERMIT 2174
AIR OPERATING PERMITS PERMIT 2176
AIR OPERATING PERMITS PERMIT 2178
AIR OPERATING PERMITS PERMIT 2180
AIR OPERATING PERMITS PERMIT 2182
AIR OPERATING PERMITS PERMIT 2184
POLLUTION PREVENTION PLANNING ID NUMBER P00405
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30030
WASTEWATER PERMIT WQ0000391000
AIR NEW SOURCE PERMITS PERMIT 1768
AIR NEW SOURCE PERMITS PERMIT 2933
AIR NEW SOURCE PERMITS PERMIT 3130A
AIR NEW SOURCE PERMITS PERMIT 6245
AIR NEW SOURCE PERMITS PERMIT 8125
AIR NEW SOURCE PERMITS REGISTRATION 10700
AIR NEW SOURCE PERMITS REGISTRATION 11735
AIR NEW SOURCE PERMITS REGISTRATION 13849
AIR NEW SOURCE PERMITS REGISTRATION 12341
AIR NEW SOURCE PERMITS REGISTRATION 23079
AIR NEW SOURCE PERMITS PERMIT 24887
AIR NEW SOURCE PERMITS REGISTRATION 32136
AIR NEW SOURCE PERMITS REGISTRATION 33899
AIR NEW SOURCE PERMITS REGISTRATION 42948
AIR NEW SOURCE PERMITS REGISTRATION 50141
AIR NEW SOURCE PERMITS REGISTRATION 50165
AIR NEW SOURCE PERMITS REGISTRATION 52720
AIR NEW SOURCE PERMITS REGISTRATION 76017
AIR NEW SOURCE PERMITS AFS NUM 4820100075
AIR NEW SOURCE PERMITS PERMIT 49130
AIR NEW SOURCE PERMITS REGISTRATION 72948
AIR NEW SOURCE PERMITS REGISTRATION 74051
AIR NEW SOURCE PERMITS REGISTRATION 74181
AIR NEW SOURCE PERMITS REGISTRATION 74949
AIR NEW SOURCE PERMITS REGISTRATION 76791
AIR NEW SOURCE PERMITS REGISTRATION 77619
AIR NEW SOURCE PERMITS REGISTRATION 76693
AIR NEW SOURCE PERMITS REGISTRATION 78069
AIR NEW SOURCE PERMITS REGISTRATION 77631

AIR OPERATING PERMITS PERMIT 1426
AIR OPERATING PERMITS PERMIT 2175
AIR OPERATING PERMITS PERMIT 2177
AIR OPERATING PERMITS PERMIT 2179
AIR OPERATING PERMITS PERMIT 2181
AIR OPERATING PERMITS PERMIT 2183
AIR OPERATING PERMITS PERMIT 2185
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD058275769
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50117
WASTEWATER EPA ID TX0003531
AIR NEW SOURCE PERMITS PERMIT 2128
AIR NEW SOURCE PERMITS PERMIT 2936
AIR NEW SOURCE PERMITS PERMIT 3294
AIR NEW SOURCE PERMITS PERMIT 6387
AIR NEW SOURCE PERMITS REGISTRATION 10586
AIR NEW SOURCE PERMITS REGISTRATION 10812
AIR NEW SOURCE PERMITS REGISTRATION 12334
AIR NEW SOURCE PERMITS REGISTRATION 15348
AIR NEW SOURCE PERMITS PERMIT 22779
AIR NEW SOURCE PERMITS PERMIT 24677
AIR NEW SOURCE PERMITS REGISTRATION 30868
AIR NEW SOURCE PERMITS REGISTRATION 32629
AIR NEW SOURCE PERMITS REGISTRATION 34897
AIR NEW SOURCE PERMITS REGISTRATION 47487
AIR NEW SOURCE PERMITS REGISTRATION 50142
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0033B
AIR NEW SOURCE PERMITS REGISTRATION 54098
AIR NEW SOURCE PERMITS REGISTRATION 75881
AIR NEW SOURCE PERMITS PERMIT 49120
AIR NEW SOURCE PERMITS REGISTRATION 74110
AIR NEW SOURCE PERMITS REGISTRATION 72946
AIR NEW SOURCE PERMITS REGISTRATION 74563
AIR NEW SOURCE PERMITS REGISTRATION 74944
AIR NEW SOURCE PERMITS REGISTRATION 76778
AIR NEW SOURCE PERMITS REGISTRATION 77318
AIR NEW SOURCE PERMITS REGISTRATION 77640
AIR NEW SOURCE PERMITS REGISTRATION 78024
AIR NEW SOURCE PERMITS REGISTRATION 78128
AIR NEW SOURCE PERMITS REGISTRATION 78278

AIR NEW SOURCE PERMITS REGISTRATION 78343
AIR NEW SOURCE PERMITS REGISTRATION 78252
AIR NEW SOURCE PERMITS REGISTRATION 78197
AIR NEW SOURCE PERMITS REGISTRATION 78381
AIR NEW SOURCE PERMITS REGISTRATION 79431
AIR NEW SOURCE PERMITS REGISTRATION 78599
AIR NEW SOURCE PERMITS REGISTRATION 80296
AIR NEW SOURCE PERMITS REGISTRATION 80914
AIR NEW SOURCE PERMITS REGISTRATION 81543
AIR NEW SOURCE PERMITS REGISTRATION 81189
AIR NEW SOURCE PERMITS REGISTRATION 81636
AIR NEW SOURCE PERMITS REGISTRATION 82226
AIR NEW SOURCE PERMITS REGISTRATION 81930
AIR NEW SOURCE PERMITS REGISTRATION 84079
AIR NEW SOURCE PERMITS PERMIT 83799
AIR NEW SOURCE PERMITS REGISTRATION 84715
AIR NEW SOURCE PERMITS REGISTRATION 84502
AIR NEW SOURCE PERMITS REGISTRATION 85308
AIR NEW SOURCE PERMITS REGISTRATION 90128
AIR NEW SOURCE PERMITS REGISTRATION 93432
AIR NEW SOURCE PERMITS REGISTRATION 95323
AIR NEW SOURCE PERMITS EPA ID PSDTX1280
AIR NEW SOURCE PERMITS REGISTRATION 98647
AIR NEW SOURCE PERMITS REGISTRATION 99088
AIR NEW SOURCE PERMITS EPA ID N142
AIR NEW SOURCE PERMITS REGISTRATION 99419
AIR NEW SOURCE PERMITS EPA ID N146
AIR NEW SOURCE PERMITS REGISTRATION 99663
AIR NEW SOURCE PERMITS EPA ID N144
AIR NEW SOURCE PERMITS REGISTRATION 101590
UNDERGROUND INJECTION CONTROL PERMIT WDW036

WATER LICENSING LICENSE 1011578

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0033B

AIR NEW SOURCE PERMITS REGISTRATION 78191
AIR NEW SOURCE PERMITS REGISTRATION 78173
AIR NEW SOURCE PERMITS REGISTRATION 78772
AIR NEW SOURCE PERMITS REGISTRATION 78819
AIR NEW SOURCE PERMITS REGISTRATION 79460
AIR NEW SOURCE PERMITS REGISTRATION 78978
AIR NEW SOURCE PERMITS REGISTRATION 80137
AIR NEW SOURCE PERMITS REGISTRATION 80597
AIR NEW SOURCE PERMITS REGISTRATION 81190
AIR NEW SOURCE PERMITS REGISTRATION 81759
AIR NEW SOURCE PERMITS REGISTRATION 81630
AIR NEW SOURCE PERMITS REGISTRATION 81716
AIR NEW SOURCE PERMITS REGISTRATION 82538
AIR NEW SOURCE PERMITS REGISTRATION 84091
AIR NEW SOURCE PERMITS REGISTRATION 84183
AIR NEW SOURCE PERMITS REGISTRATION 84149
AIR NEW SOURCE PERMITS REGISTRATION 84651
AIR NEW SOURCE PERMITS REGISTRATION 84818
AIR NEW SOURCE PERMITS REGISTRATION 87006
AIR NEW SOURCE PERMITS REGISTRATION 93977
AIR NEW SOURCE PERMITS REGISTRATION 95981
AIR NEW SOURCE PERMITS EPA ID PSDTX1272
AIR NEW SOURCE PERMITS REGISTRATION 96384
AIR NEW SOURCE PERMITS REGISTRATION 101438
AIR NEW SOURCE PERMITS EPA ID PSDTX1270
AIR NEW SOURCE PERMITS PERMIT 99167
AIR NEW SOURCE PERMITS REGISTRATION 98423
AIR NEW SOURCE PERMITS EPA ID N140
AIR NEW SOURCE PERMITS REGISTRATION 102688
AIR NEW SOURCE PERMITS REGISTRATION 102073
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1011578
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30030
STORMWATER PERMIT TXR15TZ06

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: October 08, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 08, 2007 to October 08, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Heather Podlipny

Phone: (512) 239-2603

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 05/22/2008 ADMINORDER 2007-1230-AIR-E (Findings Order)

Classification: Moderate

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

Pending Compliance History Report for CN600124705, RN100542281, Rating Year 2012 which includes Compliance History (CH) components from October 08, 2007, through October 08, 2012.

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov. Permit # 2128 SC 1 PA

Description: As evidenced by Findings of Fact No. 3, Equistar failed to prevent unauthorized emissions during an April 4, 2007 emissions event, in violation of Air Permit No. 2128, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov TCEQ Air Permit #2933, SC#1 PA

Description: As evidenced by Findings of Fact No. 4, Equistar failed to prevent unauthorized emissions during a January 8, 2007 emissions event, in violation of Air Permit No. 2933, Special Condition No. 1, 30 TEX. ADMIN. CODE § 115.722(c)(1) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emissions were unauthorized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2 Effective Date: 06/19/2008 ADMINORDER 2007-0493-AIR-E (1660 Order)

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov. FOP O-02177 SC 10 OP

FOP O-02177 SC 1A OP

NSR 22779 SC 8(E) PA

Description: Failed to cap 4 open-ended lines.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov. FOP O-02177 SC 10 OP

FOP O-02177 SC 1A OP

NSR 22779 SC 6(A) PA

Description: Failed to operate flare within required heat input of 300 Btu/scf.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(3)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov. FOP O-02177 SC 1.J(ii) OP

Description: Failed to report corrective actions within the required time frame.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov. FOP O-01277 SC 1.J(ii) OP

Description: Failed to calibrate the Poly Butadiene unit flare analyzer.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.121

5C THC Chapter 382, SubChapter D 382.085(b)

5C THSC Chapter 382 382.054

Description: Failed to obtain authorization for emissions sources and their associated emissions prior to operation.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov. FOP O-02177 SC 10 OP

NSR 49120 SC 1 PA

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02177 SC 1A OP
 Description: Failed to maintain sufficient records to demonstrate continuous compliance with VOC water separator exemption criteria.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02177 SC 10 OP
 FOP O-02177 SC 1A OP
 NSR 22779 SC 8(I) PA
 Description: The Respondent failed to repair a leaking valve during a scheduled shutdown.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.127(b)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02181 SC 1A OP
 Description: Failed to use a continuous monitoring recorder on the Methanol Skid (ECULR2MEOH).
 Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.244
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02181 SC 6C(iv) OP
 Description: Failed to perform daily inspections of the fuel dispensing facilities.
 Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02181 SC 6B(ii) OP
 FOP O-02181 SC1A OP
 Description: Failed to provide proper emissions control for waste material.
 Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02181 SC 7A OP
 FOP O-02181 SC1A OP
 Description: Failed to comply with restrictions on engine operating hours in an ozone nonattainment area.
 Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02181 SC 1A OP
 FOP O-02181 SC 7E OP
 Description: Failure to record the start and stop times of diesel pump.
 Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.144(4)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: FOP O-02181 SC 1A OP
 Description: Failed to demonstrate VOC reduction efficiency for the ECUABEAST bio-treatment unit.
 Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to timely conduct flare analyzer calibrations.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to comply with the requirements of malfunction reporting for the wastewater steam stripper

(EUTT8802).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov FOP O-02181 SC 1A OP
FOP O-02181 SC 22 OP
NSR 2128 SC 8(E) PA

Description: Failed to equip open ended lines with a cap, blind flange, plug, or a second valve.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include PBR claims in a FOP.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02178 SC 10 OP
FOP O-02178 SC 1A OP
NSR 24677 SC 1 PA

Description: Exceeded permitted emissions limits from tank TK-2810.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02178 SC 10 OP
NSR 24677 SC 11F PA
NSR 24677 SC 13 PA

Description: Failed to install rupture disc and pressure gauges on three safety relief valves (EPM F28E00) in the Styrene Maleic Anhydride unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: STC 10 OP

Description: Failed to accurately represent operating temperatures for tote EPN 28E37 in the permit representations.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP -02178 SC 10 OP
NSR 24677 SC 9C PA

Description: Failed to perform closed loop cumene sampling.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02178 SC 1A OP

Description: Failed to maintain continuous records of fuel flow for Heater MSMHT2801B.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-02178 SC 3 OP

Description: Failed to prevent visible emissions from Dust Collector EPN28E29.

- 3 Effective Date: 10/01/2008 COURTORDER (Final Judgement)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
Description: Failure to control emissions from cooling towers OP1, OP2, and East Plant under MAERT limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to properly define for cooling towers OP1 and OP2, VOC in the exhaust air from the air stripping system (either ppmv or lb/VOC/gal) at which a leak into cooling water will be assumed.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(A)
Description: Failure to report upset emissions of benzene from cooling towers.
Classification: Major
Citation: 30 TAC Chapter 335, SubChapter A 335.2
30 TAC Chapter 335, SubChapter B 335.43
Description: Unauthorized discharges into the East basin were noted
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to prevent unauthorized emissions of 4,380 pounds (lbs) of unspecified volatile organic compounds (VOCs), 1,511 lbs of butadiene, and 1,095 lbs of butene during an emissions event on September 1, 2003 that lasted three minutes.
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to report all individually listed compounds or mixtures of air contaminants in an emissions event notification. Specifically, VOCs were not specified.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent the unauthorized release of 173 pounds (lbs) of volatile organic compounds (VOCs), including 30 lbs of Highly Reactive VOCs from the Condensate Pot (D-3655) during an emissions event that began on April 21, 2004 and lasted for 170 hours and 45 minutes.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to properly notify the TCEQ of an emissions event that began on July 14, 2004. Specifically, Equistar failed to identify the common name of the facility which incurred the emissions event in the Initial Notification.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: General Condition No. 8 PERMIT
Description: Failed to comply with permitted emission limits during an emissions event that began on July 14, 2004 and lasted for three hours and 30 minutes.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent the unauthorized release of 6,100 pounds of propylene from the Propylene Product Drum (D-4687) during an emissions event that began on June 23, 2004 and lasted for two hours.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent the unauthorized release of 340 lbs of propylene and 17 lbs of propane from a pressure relief valve in Exchanger E-36232 during an emissions event that began on July 14, 2004 and lasted for 3,057 hours.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to properly notify the TCEQ of an emissions event that began on July 22, 2004. Specifically, Equistar failed to specify VOCs in the Initial Notification and Final Report.
Classification: Moderate

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

Rqmt Prov: Permit No. 1768, General Condition No. 8 PERMIT
Permit No. 2936, Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emission limits during an emissions event that began on July 22, 2004 and lasted for 200 hours.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2128, GC No. 8 PERMIT

Description: Failed to prevent a unauthorized emissions of 990 pounds ("lbs") of 1,3 butadiene during an avoidable emissions event that occurred on November 23, 2004 and lasted three minutes.
Classification: Moderate

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

Rqmt Prov: TCEQ Permit #1768, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions of 119.35 pounds (lbs) of benzene and 154.69 lbs of volatile organic compounds during an emissions event that occurred on April 1, 2005 and lasted 200 hours and 30 minutes.
Classification: Moderate

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

Rqmt Prov: TCEQ Permit #6387, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions of 25 pounds (lbs) of 1,3-butadiene, 603 lbs of N-butane, 1,756 lbs of butene, 155 lbs of isobutane, and 7 lbs of propylene during an emissions event that occurred on May 24, 2005 and lasted 2 hours. These emissions are not permitted. Since this emissions event was avoidable
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 24887, GC #8 PERMIT

Description: Failed to prevent a unauthorized emissions of 1,532 lbs of propylene and 10 lbs of isobutane during an avoidable emissions event that occurred on July 1, 2004 and lasted 4 hours and 54 minutes.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 2 PERMIT

Description: Failed to properly seal the end of a lines containing volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs"). Specifically, VOC and HAP concentrations detected from 10 plugs in the Methyl Tertiary Butyl Ether ("MTBE") and Butadiene ("C4 Recovery") units.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 10E PERMIT
Special Condition 1E PERMIT
Special Condition 2C PERMIT

Description: Failed to equip each open-ended line or valve with a cap, blind flange, plug, or second valve. Specifically, two valves in the East Tank Farm, one line in the Alkylation Unit, and one line in the C4 Recovery Unit were not equipped with a cap, blind flange, plug, or second valve.
Classification: Moderate

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

Rqmt Prov: 2128, SC No.7A PERMIT

Description: Failed to perform monthly monitoring of the East Plant Cooling Tower, Emission Point Number ("EPN") 24E04. Specifically, streams from six headers returning water to the cooling tower to a single monitoring point were combined prior to monitoring, but required to monitor the six headers individually.
Classification: Moderate

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

Rqmt Prov. 2128, SC No. 7B PERMIT

Description: Failed to maintain an emission rate below the allowable emission limit for EPN 24E04. Specifically, a canister sample was taken at Header Number 2 and results revealed emissions were 6.16 lbs per hour ("lbs/hr"), but the permitted limit is 3.23 lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failed to represent the product and process information properly in the renewal application dated August 2004 for Permit No. 24887. Specifically, alkylates were not separated into C5s, C6s, C8s, C9s, and C10s. The alkylates contain 3 to 6% of isopentane and more than 1,102 tons per year is being produced.

4 Effective Date: 01/28/2010 ADMINORDER 2008-1085-AIR-E (1660 Order)

Classification: Moderate

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

Rqmt Prov. TCEQ Air Permit No. 1768, SC#1 PA

Description: the Respondent failed to prevent the Superheaters A and B flow elements from collecting moisture which caused the Superheaters to trip on November 24, 2007, resulting in the release of 2,383 pounds of volatile organic compounds, 2,461 pounds of carbon monoxide, and 278 pounds of nitrogen oxides from the Olefins Plant 1 over a three hour period. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met.

Classification: Moderate

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

Rqmt Prov. Special Condition #1 PERMIT

Description: Failure to prevent leak on the wall of Tank 3112 which resulted in unauthorized emissions.

5 Effective Date: 03/20/2010 ADMINORDER 2008-1474-AIR-E (1660 Order)

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct Extra Ordinary Effort repair attempts within 14 days.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov. FOP O-2174 General Terms and COnditions OP

Description: LB failed to report all instances of deviations on Deviation Reports.

Classification: Major

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)

Rqmt Prov. FOP O-02174 STC 21 OP

NSR 2933 SC 1 PA

Description: Failure to maintain Regenerative Vent R-4360A emissions within the MAERT.

6 Effective Date: 07/11/2010 ADMINORDER 2009-1593-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)

Rqmt Prov. Special Condition (SC) #1A OP

Description: Failed to equip the gauge float wells with bolts or fasteners on the covers of the roof openings of Tanks 3111A, 3111B, and 3113, to ensure that the openings are air tight.

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)

Rqmt Prov. SC #1 PERMIT

SC #18 OP

Description: Failed to comply with the hourly emission limit of 1.65 lbs/hr for VOCs and 0.14 lbs/hr for 1,3 butadiene intermittently from January 6, 2009 (the date the bankruptcy petition was filed) to present. Specifically, emissions from Regeneration Vent, EPN 3E05, for Reactors R-309 A, R-309 B, and R-309 C, exceeded permitted limits as documented by the results of sampling conducted for six one-hour samples per reactor on December 11 through 12, 2005 and December 31, 2005 and an update provided on May 2

Classification: Moderate

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

Rqmt Prov. No. 6387, Special Condition #3 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,876 lbs of VOCs, including 3,414 lbs of HRVOCs, from Vessel D-1217 in the Methyl Tertiary Butyl Ether Unit during an avoidable emissions event (Incident No. 118631) that began January 8, 2009 and lasted one hour and 30 minutes. The emissions were the result of a liquid filled line being isolated on both ends without proper thermal expansion relief and with used gaskets. Since this emissions event could have been

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov. Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions and exceeded the 1,200 lbs per hour ("lbs/hr") emission limit for HRVOCs. Specifically, the Respondent released 6,133 lbs of VOCs, including 5,611 lbs of HRVOCs, 5,502 lbs of CO, and 642 lbs of NOx from the OP1 Flare, emission point number ("EPN") 38E01, in the Olefins 1 Unit during an avoidable emissions event (Incident No. 118546) that began January 7, 2009 and lasted three hours and 50 minutes. The emissions were the result of the plugging of a tube in

Classification: Minor

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

Description: Failed to report the estimated total quantities for the compounds released during Incident No. 118546 in the final emissions event report. Specifically, the Respondent reported only the amount of contaminants that were over the permitted limit, instead of the total amount of contaminants emitted.

Classification: Moderate

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

Rqmt Prov. No. 2933, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 967.37 lbs of carbon monoxide ("CO"), 612 lbs of the highly reactive VOC ("HRVOC") ethylene, and 93.2 lbs of nitrogen oxides ("NOx") during an avoidable emissions event (Incident No. 122734) that began April 13, 2009 and lasted six hours. The deethanizer pressure control valve ("DPCV"), PV-46060, failed to control the tower pressure during an acetylene converter upset and operators were not trained to put the DPCV, P

Classification: Moderate

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

Rqmt Prov. No. 2128, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,371 pounds ("lbs") of volatile organic compounds ("VOC"), including 1,970 lbs of the Hazardous Air Pollutant ("HAP") 1,3-butadiene from Tank 6 in the East Plant Tank Farm during an avoidable emissions event (Incident No. 125702) that began June 17, 2009 and lasted four minutes. A two inch vent nozzle became plugged resulting in an increase in pressure in Tank 6. The Respondent was unable to detect the rise in press

Classification: Minor

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

Description: Failed to submit an administratively complete and accurate final report for Incident No. 125702. Specifically, the final report submitted on June 30, 2009 did not include the permit number for the facility that experienced the upset.

7 Effective Date: 08/09/2010 ADMINORDER 2009-0263-AIR-E (1660 Order)

Classification: Moderate

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

Rqmt Prov. 1768/SC # 1 PERMIT

Description: Failed to comply with the carbon monoxide ("CO") emission limit of 0.05 pounds per hour ("lbs/hr") and the nitrogen oxide ("NOx") emission limit of 6.1 lbs/hr for the Atlas Copco Air Compressor (EPN OP1EN1), in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 1768, Special Condition No. 1, as documented during a record review conducted on January 21, 2009. Specifically, a reference method stack test conducted on December 18, 2007 yielded res

Classification: Moderate

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

Pending Compliance History Report for CN600124705, RN100542281, Rating Year 2012 which includes Compliance History (CH) components from October 08, 2007, through October 08, 2012.

5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Permit No. 1768, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,197.3 lbs of VOC, including the following HAPs: 294.3 lbs of 1,3-butadiene, 272.6 lbs of benzene, 122.5 lbs of hexane and 30.4 lbs of toluene and the following HRVOCs: 422.8 lbs of butene, 2,097.5 lbs of ethylene and 1,351.9 lbs of propylene from the C-3501B piping in the Olefins 1 Unit during an avoidable emissions event that began December 4, 2008 and lasted 12 hours and 45 minutes. The emissions were the result

- 8 Effective Date: 02/05/2011 ADMINORDER 2010-0243-IHW-E (1660 Order)
Classification: Major
Citation: 30 TAC Chapter 335, SubChapter C 335.69(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(b)
Description: Failed to prevent the accumulation of hazardous waste for more than 90 days without authorization. Specifically, analytical results dated March 31, 2005 indicated that stormwater in tank nos. TK-2303A, TK-2310A and TK-2310B, exceeded the toxicity characteristic for lead of 5.0 milligrams per liter. These tanks are part of the IPOH Unit which, according to the Respondent, was taken out-of service in the early 1990s. Per 40 CFR § 261.4(c), hazardous waste began accumulating in the tanks on Marc
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failed to update the Facility's NOR to accurately reflect waste management activities. Specifically, the following waste management activities needed to be added to the NOR: waste stream for wastewaters generated from the manufacturing process; waste streams for wastes stored in tanks nos. TK-2303A and B, and TK-2310A and B; and tanks nos. TK-2303A and B, and TK-2310A and B as waste management units.
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 335, SubChapter A 335.8(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.197
Description: Failed to prevent the unauthorized discharge of industrial solid waste adjacent to waters in the state and to perform closure of waste management facilities from which an unauthorized discharge has occurred, in violation of 30 TEX. ADMIN. CODE §§ 335.4 and 335.8(b) and 40 CFR § 265.197, as documented during an investigation conducted on August 3, 2009. Specifically, the investigator observed liquid leaking onto a concrete pad which served as secondary containment for tank nos. TK-2303A and B an
- 9 Effective Date: 05/08/2011 ADMINORDER 2010-0335-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: No. 2933, Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions; specifically, Equistar failed to maintain the butene flow and the Motor Operated Valve feed to the reactor.
- 10 Effective Date: 06/22/2012 ADMINORDER 2011-1947-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: No. 2128, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions during an event that began on June 25, 2011 (Incident No. 156229). Specifically, the Respondent released 298 pounds ("lbs") of butenes and 161 lbs of butadienes from the C4 Recovery Unit Reactor R-309C during the 18 hour event. The event occurred when a flammable mixture ignited inside the Thermal Oxidizer Blower BL-03001.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit an initial notification for Incident No. 156229 not later than 24 hours after the discovery of an emissions event that began on June 25, 2011 at 10:20 p.m. Specifically, the initial notification was due by 10:20 p.m. on June 26, 2011 but was not submitted until June 28, 2011 at 6:27 p.m., over 24 hours after the incident was discovered.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 10, 2007	(565969)
Item 2	October 12, 2007	(571938)
Item 3	October 15, 2007	(572176)
Item 4	October 23, 2007	(619405)
Item 5	November 19, 2007	(594272)
Item 6	November 26, 2007	(570252)
Item 7	November 28, 2007	(596225)
Item 8	December 07, 2007	(568047)
Item 9	December 17, 2007	(608808)
Item 10	January 02, 2008	(595848)
Item 11	January 03, 2008	(599518)
Item 12	January 08, 2008	(600740)
Item 13	January 10, 2008	(600765)
Item 14	January 22, 2008	(671912)
Item 15	January 23, 2008	(614499)
Item 16	January 29, 2008	(610831)
Item 17	February 25, 2008	(671910)
Item 18	March 19, 2008	(616201)
Item 19	March 20, 2008	(671911)
Item 20	March 26, 2008	(637649)
Item 21	April 10, 2008	(616840)
Item 22	April 29, 2008	(641446)
Item 23	May 06, 2008	(638391)
Item 24	May 08, 2008	(638556)
Item 25	May 16, 2008	(639245)
Item 26	May 22, 2008	(689831)
Item 27	May 23, 2008	(639094)
Item 28	June 06, 2008	(682324)
Item 29	June 24, 2008	(689832)
Item 30	July 07, 2008	(654572)
Item 31	July 09, 2008	(683399)
Item 32	July 10, 2008	(685750)
Item 33	July 22, 2008	(710592)
Item 34	August 15, 2008	(689619)
Item 35	August 25, 2008	(710593)
Item 36	October 15, 2008	(686481)
Item 37	October 17, 2008	(679974)
Item 38	October 22, 2008	(682983)
Item 39	October 23, 2008	(680427)
Item 40	October 27, 2008	(687534)
Item 41	October 28, 2008	(685998)
Item 42	October 29, 2008	(686367)
Item 43	October 31, 2008	(686446)
Item 44	November 07, 2008	(701030)
Item 45	November 20, 2008	(704732)
Item 46	November 24, 2008	(654539)
Item 47	November 25, 2008	(707993)
Item 48	December 05, 2008	(654812)
Item 49	December 11, 2008	(683007)
Item 50	December 15, 2008	(686398)
Item 51	December 16, 2008	(710038)
Item 52	December 17, 2008	(685609)
Item 53	January 16, 2009	(721214)
Item 54	January 22, 2009	(750128)
Item 55	February 03, 2009	(722705)
Item 56	February 12, 2009	(683026)
Item 57	February 16, 2009	(725983)
Item 58	February 17, 2009	(726783)
Item 59	February 24, 2009	(750125)

Pending Compliance History Report for CN600124705, RN100542281, Rating Year 2012 which includes Compliance History (CH) components from October 08, 2007, through October 08, 2012.

Item 60	March 23, 2009	(750126)
Item 61	April 06, 2009	(738472)
Item 62	April 09, 2009	(738272)
Item 63	April 13, 2009	(738348)
Item 64	April 30, 2009	(740883)
Item 65	May 04, 2009	(741949)
Item 66	May 14, 2009	(742317)
Item 67	May 15, 2009	(742826)
Item 68	June 22, 2009	(804328)
Item 69	June 24, 2009	(744476)
Item 70	June 29, 2009	(744624)
Item 71	July 02, 2009	(744588)
Item 72	July 06, 2009	(745792)
Item 73	July 08, 2009	(745749)
Item 74	July 14, 2009	(746327)
Item 75	July 15, 2009	(746896)
Item 76	July 16, 2009	(748500)
Item 77	July 17, 2009	(748489)
Item 78	July 20, 2009	(804329)
Item 79	July 21, 2009	(741126)
Item 80	August 10, 2009	(749006)
Item 81	August 12, 2009	(763679)
Item 82	August 13, 2009	(763750)
Item 83	September 02, 2009	(749680)
Item 84	September 04, 2009	(760698)
Item 85	September 18, 2009	(763300)
Item 86	September 28, 2009	(760699)
Item 87	September 29, 2009	(763519)
Item 88	October 06, 2009	(765952)
Item 89	October 08, 2009	(766727)
Item 90	October 09, 2009	(749624)
Item 91	October 15, 2009	(764037)
Item 92	October 22, 2009	(804332)
Item 93	November 19, 2009	(782624)
Item 94	November 23, 2009	(804333)
Item 95	November 30, 2009	(778813)
Item 96	December 21, 2009	(804334)
Item 97	January 04, 2010	(786397)
Item 98	January 05, 2010	(778225)
Item 99	January 22, 2010	(804335)
Item 100	January 24, 2010	(909040)
Item 101	January 28, 2010	(784795)
Item 102	February 17, 2010	(785207)
Item 103	February 22, 2010	(804327)
Item 104	February 23, 2010	(790158)
Item 105	February 24, 2010	(789730)
Item 106	February 25, 2010	(790175)
Item 107	March 17, 2010	(785834)
Item 108	March 18, 2010	(830757)
Item 109	April 16, 2010	(792540)
Item 110	April 19, 2010	(792541)
Item 111	April 21, 2010	(830758)
Item 112	April 23, 2010	(681746)
Item 113	April 27, 2010	(797582)
Item 114	May 06, 2010	(794255)
Item 115	May 12, 2010	(797500)
Item 116	May 20, 2010	(802381)
Item 117	May 24, 2010	(830759)
Item 118	May 25, 2010	(802405)
Item 119	June 10, 2010	(798920)

Pending Compliance History Report for CN600124705, RN100542281, Rating Year 2012 which includes Compliance History (CH) components from October 08, 2007, through October 08, 2012.

Item 120	June 14, 2010	(824353)
Item 121	June 21, 2010	(846227)
Item 122	June 23, 2010	(794135)
Item 123	June 25, 2010	(827423)
Item 124	July 02, 2010	(826702)
Item 125	July 06, 2010	(827613)
Item 126	July 09, 2010	(826626)
Item 127	July 13, 2010	(866787)
Item 128	August 18, 2010	(784890)
Item 129	August 23, 2010	(866788)
Item 130	September 22, 2010	(873861)
Item 131	October 20, 2010	(858119)
Item 132	November 01, 2010	(860444)
Item 133	November 04, 2010	(872083)
Item 134	November 09, 2010	(870286)
Item 135	November 10, 2010	(871859)
Item 136	November 17, 2010	(871855)
Item 137	November 22, 2010	(896192)
Item 138	December 21, 2010	(881274)
Item 139	December 22, 2010	(881304)
Item 140	December 23, 2010	(880895)
Item 141	December 28, 2010	(885540)
Item 142	January 31, 2011	(891772)
Item 143	February 14, 2011	(893281)
Item 144	February 22, 2011	(909039)
Item 145	February 25, 2011	(877630)
Item 146	February 28, 2011	(891833)
Item 147	March 04, 2011	(901180)
Item 148	March 07, 2011	(899772)
Item 149	March 21, 2011	(916302)
Item 150	March 22, 2011	(900059)
Item 151	March 28, 2011	(893267)
Item 152	April 25, 2011	(924740)
Item 153	May 03, 2011	(899771)
Item 154	May 23, 2011	(937983)
Item 155	June 03, 2011	(899773)
Item 156	June 22, 2011	(945307)
Item 157	June 30, 2011	(900964)
Item 158	July 21, 2011	(952582)
Item 159	August 12, 2011	(944288)
Item 160	August 15, 2011	(932879)
Item 161	August 16, 2011	(944665)
Item 162	August 22, 2011	(936294)
Item 163	August 29, 2011	(949925)
Item 164	September 22, 2011	(965293)
Item 165	October 13, 2011	(933447)
Item 166	October 24, 2011	(971336)
Item 167	October 25, 2011	(899774)
Item 168	November 21, 2011	(977494)
Item 169	December 28, 2011	(984261)
Item 170	January 05, 2012	(976382)
Item 171	January 09, 2012	(976471)
Item 172	January 10, 2012	(976450)
Item 173	January 23, 2012	(980967)
Item 174	January 24, 2012	(980997)
Item 175	January 30, 2012	(970661)
Item 176	February 06, 2012	(980998)
Item 177	February 09, 2012	(982246)
Item 178	February 17, 2012	(987727)
Item 179	February 21, 2012	(1010010)

- 3 Date: 03/31/2012 (1010011) CN600124705
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 06/14/2012 (996433) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 No. 2933, Special Condition 1 PERMIT
 Description: Equistar failed to prevent unauthorized emissions due to a leak in the isolation valve, resulting in an upset in the Olefins Plant 2(OP-2) and at the OP-2 flare.
- 5 Date: 08/23/2012 (1027080) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.10(c)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)
 II.C.1.g PERMIT
 Description: Several manifests were missing dates and contained incorrect waste codes
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 Description: failure to label container "hazardous waste"
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 324, SubChapter A 324.6
 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)
 Description: Failure to label drum "Used Oil"
- 6 Date: 08/30/2012 (1027649) CN600124705
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.63(g)
 XI.E.2. PERMIT
 Description: The facility failed to calibrate gauges, pressure sensing, and recording devices during the third quarter of 2011 and the first quarter of 2012.

F. Environmental audits:

Notice of Intent Date: 10/02/2007 (595562)

Disclosure Date: 10/25/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172

Rqmt Prov: PERMIT Operating Permit O-2181

Description: Failed to comply with Method 21 for regulated HON group 1 wastewater closed vent systems.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
 30 TAC Chapter 115, SubChapter H 115.786
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
 40 CFR Part 60, Subpart VV 60.482-10
 40 CFR Part 60, Subpart VV 60.482-4
 40 CFR Part 60, Subpart VV 60.482-7
 40 CFR Part 60, Subpart VV 60.485
 40 CFR Part 60, Subpart VV 60.487
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
 40 CFR Part 61, Subpart V 61.242-4
 40 CFR Part 61, Subpart V 61.242-7
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Part 63, Subpart H 63.174

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to always perform initial and periodic monitoring and there were instances where new or replaced components were not monitored.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.112

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1

40 CFR Part 60, Subpart VV 60.482-10

40 CFR Part 60, Subpart VV 60.482-4

40 CFR Part 60, Subpart VV 60.482-7

40 CFR Part 60, Subpart VV 60.485

40 CFR Part 60, Subpart VV 60.487

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11

40 CFR Part 61, Subpart V 61.242-4

40 CFR Part 61, Subpart V 61.242-7

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Part 63, Subpart H 63.174

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to complete instances of first repair attempts and final repair attempts within the required timeframes.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1

40 CFR Part 60, Subpart VV 60.482-10

40 CFR Part 60, Subpart VV 60.482-4

40 CFR Part 60, Subpart VV 60.482-7

40 CFR Part 60, Subpart VV 60.485

40 CFR Part 60, Subpart VV 60.487

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11

40 CFR Part 61, Subpart V 61.242-4

40 CFR Part 61, Subpart V 61.242-7

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Part 63, Subpart H 63.174

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to properly classify equipment leaks. According to the records reviewed there were instances where equipment leaks were classified as "Repair Delayed" without meeting the applicable Delay of Repair requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter D 115.356

30 TAC Chapter 115, SubChapter H 115.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-10
40 CFR Part 60, Subpart VV 60.482-4
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 60, Subpart VV 60.485
40 CFR Part 60, Subpart VV 60.487
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11
40 CFR Part 61, Subpart V 61.242-4
40 CFR Part 61, Subpart V 61.242-7
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to identify specific equipment for inclusion in the LDAR program and apply the appropriate regulatory applicability to each component in the LDAR database.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.356
30 TAC Chapter 115, SubChapter H 115.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-10
40 CFR Part 60, Subpart VV 60.482-4
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 60, Subpart VV 60.485
40 CFR Part 60, Subpart VV 60.487
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11
40 CFR Part 61, Subpart V 61.242-4
40 CFR Part 61, Subpart V 61.242-7
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181

Description: Failure to properly maintain records, specifically: Daily calibration records and LDAR records requiring stream composition data.

Notice of Intent Date: 10/04/2007 (598705)

Disclosure Date: 07/03/2008

Viol. Classification: Minor

Citation: 40 CFR Chapter 136, SubChapter D, PT 136 136.1(b)

Rqmt Prov: PERMIT TPDES0003531

Description: Internal chain-of custodies in the years 2006, 2007 and 2008 were missing required information.

Notice of Intent Date: 10/04/2007 (598710)
Disclosure Date: 07/03/2008
Viol. Classification: Moderate
Rqmt Prov: PERMIT Operating Permit O-2181
Description: Failure to comply with Title V Operating Permit O-2181, Special Condition 31.

Notice of Intent Date: 10/04/2007 (598714)
Disclosure Date: 01/30/2008
Viol. Classification: Minor
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
30 TAC Chapter 335, SubChapter R 335.504
30 TAC Chapter 335, SubChapter A 335.6(c)
30 TAC Chapter 335, SubChapter C 335.62

Description: Failure to update the facility Notice of Registration.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)

Description: Failure to label tank D-3075 with the words "hazardous waste".
Viol. Classification: Minor
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.7(a)(2)
30 TAC Chapter 335, SubChapter O 335.431(c)(1)

Description: Failure to submit Land Disposal Restriction notifications with the initial shipment, nor maintain a copy in the facility file for two waste streams shipped to an offsite TSDF.
Viol. Classification: Minor
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.7(a)(7)
30 TAC Chapter 335, SubChapter O 335.431(c)(1)

Description: Failure to update facility files with a one time notice describing the generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112
30 TAC Chapter 335, SubChapter R 335.510
30 TAC Chapter 335, SubChapter R 335.511

Description: Failure to maintain/update the the required information to document solid and hazardous waste determinations.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.13(j)
30 TAC Chapter 335, SubChapter A 335.13(k)

Description: Failure to properly maintain mainifest paperwork.

Notice of Intent Date: 04/07/2008 (654966)
No DOV Associated

Notice of Intent Date: 06/18/2008 (688531)
No DOV Associated

Notice of Intent Date: 09/11/2009 (777743)
No DOV Associated

Notice of Intent Date: 04/06/2010 (800681)
Disclosure Date: 09/13/2010
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 115, SubChapter H 115.782(b)

Description: Failure to repair six out of 105 components within the time periods required.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 115, SubChapter H 115.782(a)

Description: Failure to ensure all leaking components are tagged. Specifically, 5 out of approximately 150 components were not tagged.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to ensure all calibration information is accurately recorded.

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: **EQUISTAR CHEMICALS LP CHANNELVIE**

Reg Entity Add: 8280 SHELDON RD.

Reg Entity City: CHANNELVIEW

Reg Entity No: RN100542281

Customer Name: Equistar Chemicals

Customer No: CN600124705

EPA Case No: **06-2004-3409**

Order Issue Date (yyyymmdd): 20080126

Case Result: Final Order with Penalty

Statute: CAA

Sect of Statute: 502

Classification: MODERATE

Program: NESHAPS

Citation:

Violation Type: Violation of NESHAP

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree/Court Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100542281**

**§
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§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-2074-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 Equistar Chemicals, LP ("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 chemical manufacturing plant at 8280 Sheldon Road in Channelview, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 October 2, 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 Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Seven Hundred Dollars (\$5,700) of the administrative penalty and Two Thousand Eight Hundred Fifty

- Dollars (\$2,850) 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. Five Thousand Seven Hundred Dollars (\$5,700) 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 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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On May 22, 2012, replaced the failed valve with a valve of a different design which promotes the venting of the body cavity to the low-pressure side;
 - b. On October 19, 2012, updated the EPHC-0622 Routine Task procedure in the East Plant Common manual to increase recognition of the hazards associated with the potential for trapped liquids; and
 - c. On October 24, 2012, completed personnel training for the new EPHC-0622 Routine Task procedure.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an emissions event that occurred on May 20, 2012, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.082(b), and New Source Review Permit No. 2128, Special Conditions No. 1, as documented during an investigation conducted on June 13, 2012. Specifically, the Respondent released 18,583 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") (including 74 lbs of 1,3 butadiene, 2,230 lbs of butane, 8,827 lbs of butenes (all isomers), 7,247 lbs of isobutane, 19 lbs of pentane, and 186 lbs of propane) from the 6" valve on the #1 pipeline in the East Plant Tank Farm during the 30 minute event (Incident No. 168665). The event occurred when the 6" valve failed during pipeline cleaning. Steam was used to purge the line and was applied to the valve; during this process, the operator left the area unattended, which caused over steaming. Trapped hydrocarbons in the valve thermally expanded, causing the seal ring to fail and releasing VOC to the atmosphere. Since this emissions event was avoidable by better maintenance and operational practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2012-2074-AIR-E" to:

Financial Administration Division, Revenue Operations 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, Five Thousand Seven Hundred Dollars (\$5,700) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/22/13

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.



Signature

12-21-12

Date

Courtney Ruth

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

Site Manager Channelview Complex

Title

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

Attachment A
Docket Number: 2012-2074-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	Eleven Thousand Four Hundred Dollars (\$11,400)
SEP Amount:	Five Thousand Seven Hundred Dollars (\$5,700)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program
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 Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Equistar Chemicals, LP
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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