

**Executive Summary – Enforcement Matter – Case No. 44510**  
**Huntsman Petrochemical LLC**  
**RN100219252**  
**Docket No. 2012-1361-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Huntsman Port Neches, 6001 Highway 366, Port Neches, Jefferson County

**Type of Operation:**

Petrochemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes - Docket No. 2012-1230-AIR-E and 2012-0135-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 8, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$53,850

**Amount Deferred for Expedited Settlement:** \$10,770

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$21,540

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$21,540

Name of SEP: Southeast Texas Regional Planning Commission - West Port Arthur

Home Energy Efficiency Program

**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. 44510  
Huntsman Petrochemical LLC  
RN100219252  
Docket No. 2012-1361-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 9, 2012 and July 31, 2012

**Date(s) of NOE(s):** June 15, 2012 and August 7, 2012

***Violation Information***

1. Failed to maintain an emissions rate below the allowable emissions rate of 14.68 pounds per hour ("lbs/hr"), as reported in the semi-annual deviation report for the period of February 19, 2011 through August 18, 2011. Specifically, the volatile organic compound ("VOC") emissions rate from the pressure swing adsorber skid, emission point number ("EPN") PSASKID, was reported to be 121.31 lbs/hr for nine hours on August 14, 2011, 159.49 lbs/hr for one hour on August 17, 2011, and 72.24 lbs/hr two hours on August 18, 2011. Total unauthorized VOC emissions were 1,219.59 lbs [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Federal Operating Permit ("FOP") No. O1320, Special Terms and Conditions ("STC") No. 15, New Source Review ("NSR") Permit No. 5972A, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to maintain the VOC concentration below the allowable limit of 1,204 parts per million ("ppm") from the Wastewater Conveyance System. Specifically, the VOC concentration was measured to be 10,043 ppm at EPN G6WWFUG, according to a sample taken on July 20, 2011 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1320, STC No. 15, NSR Permit No. 36646, SC No. 10 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to maintain the carbon monoxide ("CO") emissions rate below the allowable emissions rates of 20.77 lbs/hr from EPN HK-F5-003 and 28.57 lbs/hr from EPN STEAMGEN, as reported in the semi-annual deviation report for the period of October 1, 2011 through March 31, 2012. Specifically, the CO emissions rates from EPN HK-F5-003 were 30.29 lbs/hr, 25.20 lbs/hr, 31.48 lbs/hr, 33.04 lbs/hr, and 38.20 lbs/hr for the five-hour event that began on October 11, 2011 at 8:00 p.m. and ended on October 12, 2011 at 1:00 a.m. The CO emissions rates from EPN STEAMGEN were 32.02 lbs/hr and 56.99 lbs/hr for the two-hour event on October 21, 2011 from 9:00 a.m. to 11:00 a.m. Total unauthorized CO emissions were 86.23 lbs [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20160, SC No. 1, FOP No. O3056, STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

**Executive Summary – Enforcement Matter – Case No. 44510**  
**Huntsman Petrochemical LLC**  
**RN100219252**  
**Docket No. 2012-1361-AIR-E**

- a. Determined the non-compliant sample from the Wastewater Conveyances was due to lack of flow and on July 25, 2011 collected another sample that was compliant; and
- b. In order to keep emissions below the allowable limit from the pressure swing adsorber skid, installed equipment and instrumentation for a 4-bed operation, which was completed on May 29, 2012.

**Technical Requirements:**

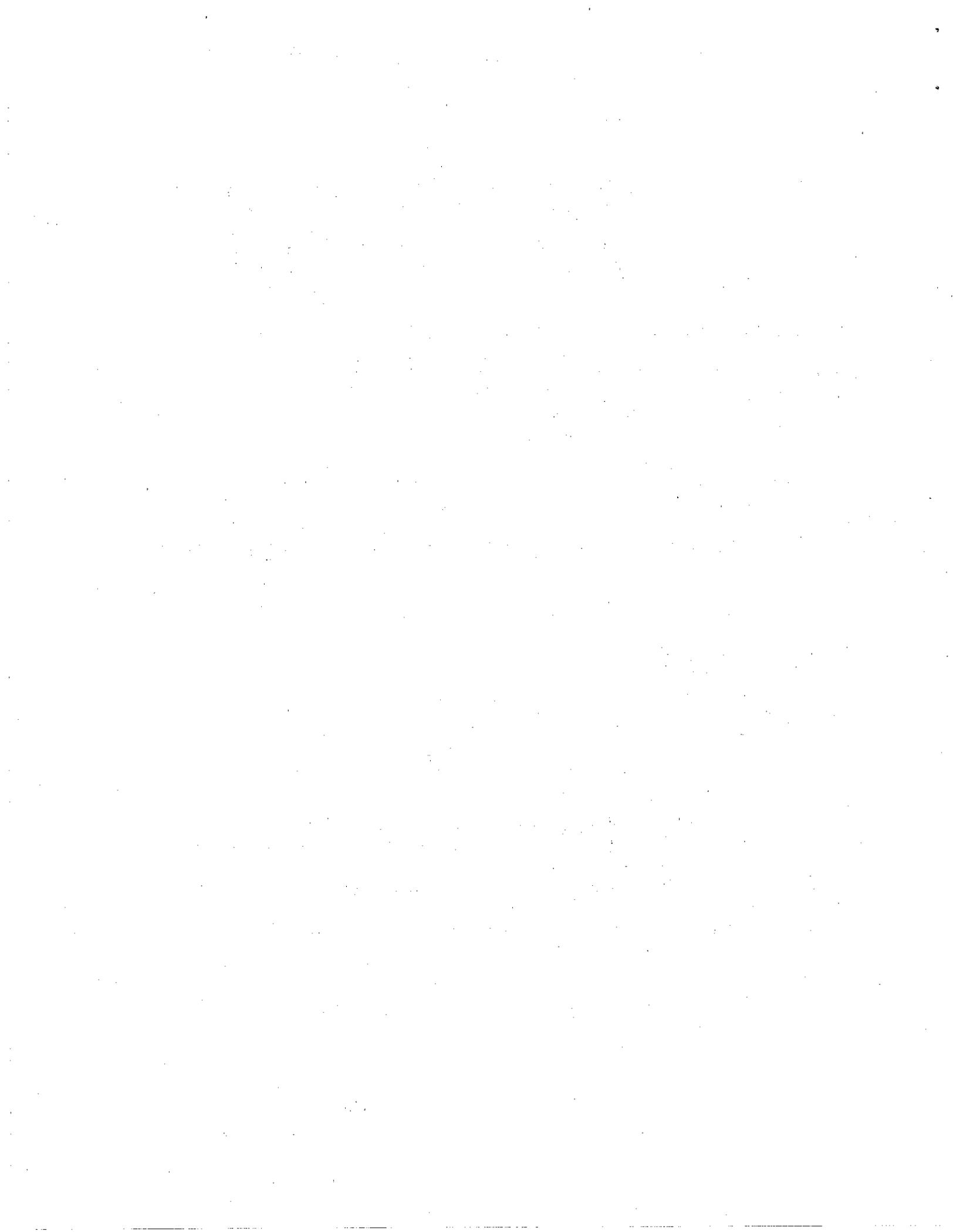
- 1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The Order will also require Respondent to:
  - a. Within 30 days, implement measures designed to prevent recurrence of excess CO emissions from EPNs HK-F5-003 and STEAMGEN; and
  - b. Within 45 days, submit written certification demonstrating 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:** Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Daniel Kemp, Director of Manufacturing, Huntsman Petrochemical LLC, P.O. Box 847, Port Neches, Texas 77651-0847  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2012-1361-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Huntsman Petrochemical LLC</b>
<b>Payable Penalty Amount:</b>	<b>Forty-Three Thousand Eighty Dollars (\$43,080)</b>
<b>SEP Amount:</b>	<b>Twenty-One Thousand Five Hundred Forty Dollars (\$21,540)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 106 – Southern Louisiana – Southeast Texas</b>

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 amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

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:

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director Transportation and Environmental  
Resources  
Attention: SEP  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ 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

Huntsman Petrochemical LLC  
Agreed Order – Attachment A

the SEP amount.

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

Office of Legal Services  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
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 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	13-Aug-2012	<b>Screening</b>	21-Aug-2012	<b>EPA Due</b>	12-Mar-2013
	<b>PCW</b>	28-Aug-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Huntsman Petrochemical LLC
<b>Reg. Ent. Ref. No.</b>	RN100219252
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	44510	<b>No. of Violations</b>	2
<b>Docket No.</b>	2012-1361-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Linda Ndoping
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **443.0%** Enhancement **Subtotals 2, 3, & 7** **\$33,225**

Notes: Enhancement for 15 NOVs with same/similar violations, nine NOVs with dissimilar violations, 12 orders with denial of liability, and five orders without denial of liability. Reduction for seven Notices of Intent to conduct audits and four Disclosures of Violations submitted.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$1,875**

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

Total EB Amounts **\$199**  
 Approx. Cost of Compliance **\$6,000**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$38,850**

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

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

**Final Penalty Amount** **\$38,850**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$38,850**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$7,770**

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** **\$31,080**

Screening Date 21-Aug-2012

Docket No. 2012-1361-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 2 (September 2002)

Case ID No. 44510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Linda Ndoping

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	15	75%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	12	240%
	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	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	4	-8%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 443%

>> 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 15 NOVs with same/similar violations, nine NOVs with dissimilar violations, 12 orders with denial of liability, and five orders without denial of liability. Reduction for seven Notices of Intent to conduct audits and four Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 443%

Screening Date 21-Aug-2012

Docket No. 2012-1361-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 2 (September 2002)

Case ID No. 44510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Linda Ndopng

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Federal Operating Permit ("FOP") No. O1320, Special Terms and Conditions ("STC") No. 15, New Source Review ("NSR") Permit No. 5972A, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emissions rate below the allowable emissions rate of 14.68 pounds per hour ("lbs/hr"), as reported in the semi-annual deviation report for the period of February 19, 2011 through August 18, 2011. Specifically, the volatile organic compound ("VOC") emissions rate from the pressure swing adsorber skid, emission point number ("EPN") PSASKID, was reported to be 121.31 lbs/hr for nine hours on August 14, 2011, 159.49 lbs/hr for one hour on August 17, 2011, and 72.24 lbs/hr for two hours on August 18, 2011. Total unauthorized VOC emissions were 1,219.59 lbs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> 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 1 Number of violation days 3

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

Violation Base Penalty \$2,500

One quarterly event is recommended for the one quarter during which there were exceedances.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent completed corrective actions on May 29, 2012, prior to the June 15, 2012 Notice of Enforcement.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$198

Violation Final Penalty Total \$12,950

This violation Final Assessed Penalty (adjusted for limits) \$12,950

# Economic Benefit Worksheet

**Respondent** Huntsman Petrochemical LLC

**Case ID No.** 44510

**Reg. Ent. Reference No.** RN100219252

**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
<small>No commas or \$</small>							

**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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	14-Aug-2011	29-May-2012	0.79	\$198	\$0	\$198

**Notes for DELAYED costs**

Estimated costs to install equipment and instrumentation for a 4-bed operation of the pressure swing adsorber skid. The Date Required is the date of the first exceedance. The Final Date is the date that corrective actions were completed.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$198

Screening Date 21-Aug-2012

Docket No. 2012-1361-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 2 (September 2002)

Case ID No. 44510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Linda Ndoping

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. 01320, STC No. 15, NSR Permit No. 36646, SC No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the VOC concentration below the allowable limit of 1,204 parts per million ("ppm") from the Wastewater Conveyance System. Specifically, the VOC concentration was measured to be 10,043 ppm at EPN G6WWFUG, according to a sample taken on July 20, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

5 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction

\$1,250

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

Notes

The Respondent completed corrective actions on July 25, 2011, prior to the June 15, 2012 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$25,900

This violation Final Assessed Penalty (adjusted for limits) \$25,900

# Economic Benefit Worksheet

**Respondent** Huntsman Petrochemical LLC

**Case ID No.** 44510

**Reg. Ent. Reference No.** RN100219252

**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
<small>No commas or \$</small>							

**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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$1,000	20-Jul-2011	25-Jul-2011	0.01	\$1	\$0	\$1
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for DELAYED costs**

Estimated cost to conduct sampling of the Wastewater Conveyances. The Date Required is the date of the failed sample. The Final Date is the date of the compliant sample.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$1



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	13-Aug-2012	<b>Screening</b>	21-Aug-2012	<b>EPA Due</b>	4-May-2013
	<b>PCW</b>	28-Aug-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Huntsman Petrochemical LLC		
<b>Reg. Ent. Ref. No.</b>	RN100219252		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44510	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1361-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Linda Ndoping
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$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 15 NOVs with same/similar violations, nine NOVs with dissimilar violations, 12 orders with denial of liability, and five orders without denial of liability. Reduction for seven Notices of Intent to conduct audits and four Disclosures of Violations submitted.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts **\$111**  
 Approx. Cost of Compliance **\$1,500**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$15,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$15,000**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$15,000**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$3,000**

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$12,000**

Screening Date 21-Aug-2012

Docket No. 2012-1361-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 3 (September 2011)

Case ID No. 44510

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Linda Ndoping

**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> )	15	75%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	12	240%
	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	5	125%
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> )	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	4	-8%
<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)** 443%

>> **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 15 NOVs with same/similar violations, nine NOVs with dissimilar violations, 12 orders with denial of liability, and five orders without denial of liability. Reduction for seven Notices of Intent to conduct audits and four Disclosures of Violations submitted.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 443%

>> **Final Compliance History Adjustment**

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

Screening Date 21-Aug-2012

Docket No. 2012-1361-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 3 (September 2011)

Case ID No. 44510

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Linda Ndoping

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 20160, Special Conditions No. 1, Federal Operating Permit No. O3056, Special Terms and Conditions No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the carbon monoxide ("CO") emissions rate below the allowable emissions rates of 20.77 pounds per hour ("lbs/hr") from Emission Point Number ("EPN") HK-F5-003 and 28.57 lbs/hr from EPN STEAMGEN, as reported in the semi-annual deviation report for the period of October 1, 2011 through March 31, 2012. Specifically, the CO emissions rates from EPN HK-F5-003 were 30.29 lbs/hr, 25.20 lbs/hr, 31.48 lbs/hr, 33.04 lbs/hr, and 38.20 lbs/hr for the five-hour event that began on October 11, 2011 at 8:00 p.m. and ended on October 12, 2011 at 1:00 a.m. The CO emissions rates from EPN STEAMGEN were 32.02 lbs/hr and 56.99 lbs/hr for the two-hour event on October 21, 2011 from 9:00 a.m. to 11:00 a.m. Total unauthorized CO emissions were 86.23 lbs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Two quarterly events are recommended (one per EPN).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$111

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

# Economic Benefit Worksheet

**Respondent** Huntsman Petrochemical LLC  
**Case ID No.** 44510  
**Reg. Ent. Reference No.** RN100219252  
**Media** Air  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** 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)	\$1,500	11-Oct-2011	1-Apr-2013	1.47	\$111	n/a	\$111

**Notes for DELAYED costs**

Estimated cost to implement measures designed to prevent a recurrence of excess CO emissions from EPNs HK-F5-003 and STEAMGEN. The Date Required is the date of the first event. 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)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

**\$1,500**

**TOTAL**

**\$111**

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603839317 Huntsman Petrochemical, LLC Classification: AVERAGE Rating: 7.09  
 Regulated Entity: RN100219252 HUNTSMAN PORT NECHES Classification: AVERAGE Site Rating: 19.38

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0052V
	AIR OPERATING PERMITS	PERMIT	1320
	AIR OPERATING PERMITS	PERMIT	2286
	AIR OPERATING PERMITS	PERMIT	2287
	AIR OPERATING PERMITS	PERMIT	2288
	AIR OPERATING PERMITS	PERMIT	3056
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00679
	PETROLEUM STORAGE TANK	REGISTRATION	40711
	REGISTRATION		
	PETROLEUM STORAGE TANK	REGISTRATION	79935
	REGISTRATION		
	AIR NEW SOURCE PERMITS	AFS NUM	4824500006
	AIR NEW SOURCE PERMITS	REGISTRATION	93667
	AIR NEW SOURCE PERMITS	REGISTRATION	94579
	AIR NEW SOURCE PERMITS	REGISTRATION	92256
	AIR NEW SOURCE PERMITS	REGISTRATION	91597
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX780
	AIR NEW SOURCE PERMITS	REGISTRATION	91994
	AIR NEW SOURCE PERMITS	REGISTRATION	91725
	AIR NEW SOURCE PERMITS	PERMIT	29516
	AIR NEW SOURCE PERMITS	REGISTRATION	51736
	AIR NEW SOURCE PERMITS	REGISTRATION	52715
	AIR NEW SOURCE PERMITS	REGISTRATION	54551
	AIR NEW SOURCE PERMITS	REGISTRATION	54565
	AIR NEW SOURCE PERMITS	REGISTRATION	44034
	AIR NEW SOURCE PERMITS	REGISTRATION	44434
	AIR NEW SOURCE PERMITS	REGISTRATION	45090
	AIR NEW SOURCE PERMITS	REGISTRATION	45094
	AIR NEW SOURCE PERMITS	REGISTRATION	45277
	AIR NEW SOURCE PERMITS	REGISTRATION	46791
	AIR NEW SOURCE PERMITS	REGISTRATION	47065
	AIR NEW SOURCE PERMITS	REGISTRATION	47066
	AIR NEW SOURCE PERMITS	REGISTRATION	47555
	AIR NEW SOURCE PERMITS	REGISTRATION	47577
	AIR NEW SOURCE PERMITS	REGISTRATION	47887
	AIR NEW SOURCE PERMITS	REGISTRATION	48178
	AIR NEW SOURCE PERMITS	REGISTRATION	48176
	AIR NEW SOURCE PERMITS	PERMIT	49247
	AIR NEW SOURCE PERMITS	REGISTRATION	49493
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0052V
	AIR NEW SOURCE PERMITS	PERMIT	647B
	AIR NEW SOURCE PERMITS	PERMIT	5807A
	AIR NEW SOURCE PERMITS	PERMIT	5952A
	AIR NEW SOURCE PERMITS	PERMIT	5972A
	AIR NEW SOURCE PERMITS	PERMIT	7761
	AIR NEW SOURCE PERMITS	PERMIT	16909
	AIR NEW SOURCE PERMITS	PERMIT	19823
	AIR NEW SOURCE PERMITS	PERMIT	20134
	AIR NEW SOURCE PERMITS	PERMIT	20160

AIR NEW SOURCE PERMITS	REGISTRATION	23568
AIR NEW SOURCE PERMITS	REGISTRATION	31443
AIR NEW SOURCE PERMITS	PERMIT	36646
AIR NEW SOURCE PERMITS	REGISTRATION	36453
AIR NEW SOURCE PERMITS	REGISTRATION	39725
AIR NEW SOURCE PERMITS	REGISTRATION	40103
AIR NEW SOURCE PERMITS	REGISTRATION	40527
AIR NEW SOURCE PERMITS	REGISTRATION	41444
AIR NEW SOURCE PERMITS	REGISTRATION	41301
AIR NEW SOURCE PERMITS	REGISTRATION	41757
AIR NEW SOURCE PERMITS	REGISTRATION	42103
AIR NEW SOURCE PERMITS	REGISTRATION	42153
AIR NEW SOURCE PERMITS	REGISTRATION	42154
AIR NEW SOURCE PERMITS	REGISTRATION	75754
AIR NEW SOURCE PERMITS	REGISTRATION	75597
AIR NEW SOURCE PERMITS	REGISTRATION	76018
AIR NEW SOURCE PERMITS	REGISTRATION	75748
AIR NEW SOURCE PERMITS	PERMIT	83816
AIR NEW SOURCE PERMITS	REGISTRATION	55753
AIR NEW SOURCE PERMITS	REGISTRATION	70024
AIR NEW SOURCE PERMITS	REGISTRATION	56737
AIR NEW SOURCE PERMITS	PERMIT	56390
AIR NEW SOURCE PERMITS	REGISTRATION	56243
AIR NEW SOURCE PERMITS	REGISTRATION	70571
AIR NEW SOURCE PERMITS	REGISTRATION	70781
AIR NEW SOURCE PERMITS	REGISTRATION	71506
AIR NEW SOURCE PERMITS	REGISTRATION	70726
AIR NEW SOURCE PERMITS	REGISTRATION	53551
AIR NEW SOURCE PERMITS	REGISTRATION	56077
AIR NEW SOURCE PERMITS	REGISTRATION	56073
AIR NEW SOURCE PERMITS	REGISTRATION	70011
AIR NEW SOURCE PERMITS	REGISTRATION	54219
AIR NEW SOURCE PERMITS	REGISTRATION	53979
AIR NEW SOURCE PERMITS	REGISTRATION	72310
AIR NEW SOURCE PERMITS	REGISTRATION	54231
AIR NEW SOURCE PERMITS	REGISTRATION	54570
AIR NEW SOURCE PERMITS	REGISTRATION	54234
AIR NEW SOURCE PERMITS	REGISTRATION	71751
AIR NEW SOURCE PERMITS	REGISTRATION	52077
AIR NEW SOURCE PERMITS	REGISTRATION	50360
AIR NEW SOURCE PERMITS	REGISTRATION	73927
AIR NEW SOURCE PERMITS	REGISTRATION	73665
AIR NEW SOURCE PERMITS	REGISTRATION	73663
AIR NEW SOURCE PERMITS	REGISTRATION	72907
AIR NEW SOURCE PERMITS	REGISTRATION	73956
AIR NEW SOURCE PERMITS	REGISTRATION	74236
AIR NEW SOURCE PERMITS	REGISTRATION	74362
AIR NEW SOURCE PERMITS	REGISTRATION	74296
AIR NEW SOURCE PERMITS	REGISTRATION	74838
AIR NEW SOURCE PERMITS	REGISTRATION	75203
AIR NEW SOURCE PERMITS	REGISTRATION	75202
AIR NEW SOURCE PERMITS	REGISTRATION	74849
AIR NEW SOURCE PERMITS	REGISTRATION	76732
AIR NEW SOURCE PERMITS	REGISTRATION	77129

AIR NEW SOURCE PERMITS	REGISTRATION	77327
AIR NEW SOURCE PERMITS	REGISTRATION	79296
AIR NEW SOURCE PERMITS	REGISTRATION	78974
AIR NEW SOURCE PERMITS	REGISTRATION	79800
AIR NEW SOURCE PERMITS	REGISTRATION	79529
AIR NEW SOURCE PERMITS	REGISTRATION	80149
AIR NEW SOURCE PERMITS	REGISTRATION	80390
AIR NEW SOURCE PERMITS	REGISTRATION	79939
AIR NEW SOURCE PERMITS	REGISTRATION	80702
AIR NEW SOURCE PERMITS	REGISTRATION	81531
AIR NEW SOURCE PERMITS	REGISTRATION	81415
AIR NEW SOURCE PERMITS	REGISTRATION	83113
AIR NEW SOURCE PERMITS	REGISTRATION	84374
AIR NEW SOURCE PERMITS	REGISTRATION	84617
AIR NEW SOURCE PERMITS	REGISTRATION	91161
AIR NEW SOURCE PERMITS	REGISTRATION	94912
AIR NEW SOURCE PERMITS	REGISTRATION	87829
AIR NEW SOURCE PERMITS	REGISTRATION	87062
AIR NEW SOURCE PERMITS	REGISTRATION	82488
AIR NEW SOURCE PERMITS	REGISTRATION	84694
AIR NEW SOURCE PERMITS	REGISTRATION	82922
AIR NEW SOURCE PERMITS	REGISTRATION	84519
AIR NEW SOURCE PERMITS	REGISTRATION	101768
AIR NEW SOURCE PERMITS	REGISTRATION	88268
AIR NEW SOURCE PERMITS	REGISTRATION	99426
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50055
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50363
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TX0000201202
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008076846
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30029
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30029
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0052V

Location: 6001 HIGHWAY 366, PORT NECHES, TX, 77651

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 27, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 27, 2007 to June 27, 2012

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

Name: Linda Ndoping Phone: (512) 239-2569

#### 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.

Effective Date: 10/25/2007

ADMINORDER 2007-0360-AIR-E

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: 19823 Special Condition 1 PERMIT  
O-02288 Special Condition 16 OP

Description: failed to prevent unauthorized emissions. Specifically, on November 28, 2006, over a period of 5 hours, the South Flare emitted 340.38 pounds ("lbs") of Volatile Organic Compound ("VOC") and 374.86 lbs of carbon monoxide ("CO"). Permit No. 19823 authorizes 32.87 lbs of VOC per hour and 53.59 lbs of CO per hour.

Effective Date: 01/28/2008

ADMINORDER 2007-0989-AIR-E

Classification: Moderate

Citation: 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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
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: 20134 Special Condition 20 E PERMIT  
5807A Special Condition 10 PERMIT  
5807A Special Condition 2 E PERMIT  
647B Special Condition 11 E PERMIT  
O-02286 Special Condition 10 OP  
O-02287 Special Condition 10 OP

Description: Failed to seal open-ended lines in volatile organic compounds service with a cap, blind flange, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms And Conditions OP

Description: Failed to submit two semi-annual deviation reports and one annual compliance certification within 30 days after each reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
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(f)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20134 Special Condition 12 B PERMIT  
647B Special Condition 3 PERMIT  
O-02286 Special Condition 10 OP  
O-02287 Special Condition 10 OP

Description: Failed to monitor the E7 Flare to ensure a pilot flame is present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.264(7)  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02287 Special Condition 10 OP

Description: Failed to notify the executive director within 10 days after the installation of the E7 Flare drum seal (F-E7-72).

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: O-02287 Special Condition 10 OP  
Permit 647B, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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: 20134 Special Condition 23E PERMIT  
O-02286 Special Condition 10 OP

Description: Failed to submit a final sampling report within 30 days after sampling is completed.

Effective Date: 04/14/2008 ADMINORDER 2007-0581-MLM-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)  
30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 335, SubChapter A 335.4  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 2288 Special Condition 17 OP  
FOP 2288 Special Condition 1D OP  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable reportable quantity for benzene in regards to Permit by Rule Number 106.532. MOD 2(D) EIC A(8)

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: 5952A Special Condition 1 PERMIT  
O-01320 Special Condition 13 OP

Description: Failure to maintain an emission rate below the allowable emissions limit.

Effective Date: 08/15/2008 ADMINORDER 2007-2006-AIR-E

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: O-1320 General Terms and Conditions OP  
O-1320 Special Condition 13A OP  
P-5972A Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-1322 General Terms and Conditions OP  
O-1322 Special Condition 2F OP

Description: Failure to properly report an emissions event.

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: O-1322 General Terms and Conditions OP  
O-1322 Special Conditions 17A OP  
P-20160 Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

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-1322 Special Condition 17 OP  
Permit 20160 Special condition 1 PERMIT

Description: Failure to maintain emissions below the allowable emission limit. A10

Effective Date: 01/30/2009

ADMINORDER 2008-0664-AIR-E

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: FOP-O-02288 Special Condition 16 OP  
Permit 19823 Special Condition 1 PERMIT

Description: Failure to maintain emissions below the allowable emission limits during Emissions Event Incident 95744.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02288 General Terms and Conditions OP  
FOP O-02288 Special Condition 2F OP

Description: Failure to properly report an emissions event (Incident No. 97957). EIC C,3 MIN 3,C

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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-02288 General Terms and Conditions OP  
FOP O-02288, Special Condition 16 OP  
NSR Permit 19823, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions (Incident No. 97957). EIC A,8,c,2,A,ii MOD 2,D

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Description: Failure to properly report an emissions event (Incident No. 95168).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 19823, Special Condition 1 PERMIT  
O-02288, General Terms and Conditions OP  
O-02288, Special Condition 16A OP  
O-02288, Special Condition 2I OP

Description: Failure to prevent unauthorized emissions (Incident No. 95168).

Classification: Minor

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

Description: Failure to report emissions in accordance with the requirements of 30 TAC 101.201(b)(1). This includes reporting violations for Incident Nos. 95743 and 95744.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: General Terms and Conditions OP  
NSR Permit 5952A, Special Condition 1 PERMIT

Special Condition 13A OP

Special Condition 2I OP

Description: Failure to prevent unauthorized emissions (Incident No. 97057).

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: 20160, Special Condition 1 PERMIT  
FOP O-1322, Special Condition 17 OP

Description: Failure to prevent unauthorized emissions (Incident No. 95743).

Effective Date: 05/03/2009

ADMINORDER 2008-1586-AIR-E

Classification: Minor

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

Rqmt Prov: Special Condition 1 PERMIT  
Special Conditions 13 OP

Description: Failure to prevent unauthorized emissions (Incident No. 104823).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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-01320 General Terms and Conditions OP  
FOP O-01320, Special Condition 13 OP  
NSR Permit 5952A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions (Incident No. 98892).

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: Special Condition 13 OP  
Special Condition 18 PERMIT

Description: Failed to conduct monthly VOC monitoring on wastewater conveyance EPN:  
RSEGLYWWFUG.

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: Special Condition 16 OP  
Special Condition 9(A) PERMIT

Description: Failed to conduct monitoring of the CAS connected to tank T-A3-46.

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to prevent unauthorized emissions (Incident 104871).

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: Special Condition 1 OP  
Special Condition 13 PERMIT

Description: Failure to prevent unauthorized emissions (Incident 105823).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to notify the TCEQ Regional Office within 24 hours of a reportable emissions event (Incident 104871).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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-01320 General Terms and Conditions OP  
FOP O-01320 Special Condition 13 OP  
NSR Permit 5952A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions (Incident No. 99672).

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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-01320 General Terms and Conditions OP  
FOP O-01320 Special Condition 13 OP  
NSR Permit 5952A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions (Incident No. 101672).

Effective Date: 08/23/2009

ADMINORDER 2009-0330-AIR-E

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failed to prevent unauthorized emissions during Incident No. 113001.

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failed to prevent unauthorized emissions during Incident No. 114925.

Effective Date: 08/31/2009

ADMINORDER 2009-0041-AIR-E

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: Special Condition 1 PERMIT  
Special Condition 13 OP

Description: Failure to maintain emissions below the allowable emission limits during Emissions Event incident 106170.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2(f) OP

Description: Failure to report emissions event incident 109142 in accordance with the requirements of 30 TAC 101.201(a)(1).

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limits during Emissions Event incident 109142.

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limits during Emissions Event incident 108945.

Effective Date: 03/20/2010

ADMINORDER 2009-0894-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter B 122.133(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit a Title V permit renewal application at least six months prior to expiration of the permit. Specifically, the renewal application was submitted 70 days late.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit No. 20160, Special Condition 17 PERMIT  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions and exceeded the 0.8 parts per million by weight ("ppmw") volatile organic compound ("VOC") concentration limit in the water returning to the cooling tower.

Effective Date: 10/25/2010

ADMINORDER 2010-0315-AIR-E

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limits during Emissions Event incident 129506.

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limits during Emissions Event

incident 129771.

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limits during Emissions Event incident 130183.

Effective Date: 05/08/2011

ADMINORDER 2010-1661-AIR-E

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: Special Condition 1 PERMIT  
General Terms and Conditions OP  
Special Condition 16 OP

Description: Failed to prevent unauthorized emissions.

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: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limits during incident 138859.

Effective Date: 07/02/2011

ADMINORDER 2010-1422-AIR-E

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: Special Condition 16 OP  
Special Condition 26 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 07/31/2011

ADMINORDER 2010-1929-AIR-E

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: Special Condition 1 PERMIT  
Special Terms & Conditions No. 10 OP

Description: Failure to maintain emissions below the allowable emission limits during incident 141894.

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: Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limits during incident 142479.

Effective Date: 08/13/2011

ADMINORDER 2010-2023-AIR-E

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: Special Condition 1 PERMIT  
Special Terms and Conditions 15 OP

Description: Failure to maintain emissions below the allowable emission limits during incident 144030.

Effective Date: 08/27/2011

ADMINORDER 2011-0358-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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 No. O-01320, SC 15 OP  
NSR Permit No. 5972A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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 No. O-02288, SC 19 OP  
NSR Permit 19823, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 04/05/2012 ADMINORDER 2011-0918-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: Special Condition 1 PERMIT  
Special Condition 19 OP  
Special Terms and Conditions 1.A. OP

Description: Failure to maintain emissions below the allowable emission limits during incident 150087.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: Special Condition 1 PERMIT  
Special Condition 10 OP  
Special Terms and Conditions 1.A. OP

Description: Failure to maintain emissions below the allowable emission limits during incident 150271.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: Special Condition 1 PERMIT  
Special Condition 19 OP  
Special Terms and Conditions 1.A. OP

Description: Failure to maintain emissions below the allowable emission limits during incident 151578.

Effective Date: 06/22/2012 ADMINORDER 2011-2099-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: Special Condition 1 PERMIT  
Special Condition 15 OP  
Special Condition 19 OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted from September 1 through September 6, 2011. Specifically, the Respondent released 1,155.09 pounds ("lbs") of volatile organic compounds ("VOC"), including 1,143.09 lbs of ethylene, 555.47 lbs of carbon monoxide, and 66.47 lbs of nitrogen oxides from the South Flare, the F6 Reabsorber Vent, and the F6 Regenerator Vent during an avoidable emissions event (Incident No. 155116) that began on May 31, 2011 and

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: Special Condition 1 PERMIT

Special Condition 10 OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted from September 1 through September 6, 2011. Specifically, the Respondent released 53.14 lbs of ethylene oxide from the pump seal in reactor circulating pump P-E3-139 during an avoidable

emissions event (Incident No. 155379) that began on June 3, 2011 and lasted for one hour. The event was the result of excessive heat build-up due to the pump being allowed to run without lubrication. Since the emissions

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382.382.085(b)

Rqmt Prov: Special Condition 2(F) OP

Description: Failed to submit the initial notification for Incident No. 155379 within 24 hours of discovery of the event, as documented during a record review conducted from September 1 through September 6, 2011. Specifically, the initial notification was due on June 4, 2011 but was not submitted until June 7, 2011.

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	05/14/2012	(1001410)
2	05/08/2012	(1002079)
3	05/17/2012	(1003097)
4	05/16/2012	(1003201)
5	06/15/2012	(1006998)
6	07/30/2007	(558200)
7	06/11/2008	(560362)
8	09/21/2007	(570457)
9	09/27/2007	(570470)
10	11/27/2007	(597203)
11	12/03/2007	(597429)
12	12/14/2007	(597547)
13	11/28/2007	(597647)
14	11/27/2007	(598101)
15	11/28/2007	(600001)
16	11/12/2007	(600643)
17	12/10/2007	(611227)
18	01/13/2008	(613058)
19	03/13/2008	(613437)
20	02/29/2008	(614644)
21	02/29/2008	(614736)
22	04/25/2008	(617083)
23	04/10/2008	(617468)
24	05/08/2008	(617644)
25	02/08/2008	(617709)
26	04/02/2008	(638186)
27	05/08/2008	(639688)
28	05/16/2008	(654879)
29	12/09/2008	(654938)

30 06/12/2008 (655044)  
31 05/05/2008 (656845)  
32 06/20/2008 (671039)  
33 07/09/2008 (682286)  
34 08/25/2008 (683718)  
35 08/04/2008 (684258)  
36 09/09/2008 (684358)  
37 08/02/2008 (684777)  
38 08/04/2008 (685268)  
39 09/07/2008 (686333)  
40 08/26/2008 (700526)  
41 09/10/2008 (702254)  
42 12/09/2008 (703551)  
43 11/24/2008 (705974)  
44 12/22/2008 (706758)  
45 02/04/2009 (721964)  
46 02/19/2009 (722782)  
47 02/19/2009 (722904)  
48 02/20/2009 (726148)  
49 02/06/2009 (726384)  
50 04/24/2009 (735944)  
51 03/24/2009 (736194)  
52 03/24/2009 (736229)  
53 03/24/2009 (736557)  
54 03/24/2009 (736813)  
55 03/24/2009 (737194)  
56 03/24/2009 (737347)  
57 06/24/2009 (737641)  
58 04/17/2009 (737882)  
59 04/06/2009 (738233)  
60 04/13/2009 (740940)  
61 04/16/2009 (742311)  
62 04/16/2009 (742318)  
63 05/14/2009 (742399)  
64 05/28/2009 (742481)  
65 05/13/2009 (742704)  
66 06/16/2009 (743080)  
67 06/02/2009 (743286)  
68 06/15/2009 (744204)  
69 06/19/2009 (745129)  
70 06/18/2009 (745143)  
71 05/28/2009 (745721)  
72 06/30/2009 (746036)  
73 06/04/2009 (746519)  
74 07/10/2009 (747753)  
75 06/24/2009 (747984)  
76 05/17/2010 (748943)  
77 07/23/2009 (759198)  
78 08/25/2009 (760297)  
79 07/23/2009 (760755)

80 07/23/2009 (760768)  
81 05/12/2010 (760924)  
82 07/30/2009 (761289)  
83 07/30/2009 (761379)  
84 01/13/2010 (764741)  
85 09/21/2009 (765027)  
86 10/05/2009 (766171)  
87 10/05/2009 (767922)  
88 10/26/2009 (776644)  
89 10/21/2009 (777062)  
90 10/23/2009 (779960)  
91 11/11/2009 (780519)  
92 11/18/2009 (781053)  
93 12/23/2009 (781246)  
94 12/21/2009 (781839)  
95 11/25/2009 (782152)  
96 02/09/2010 (783365)  
97 12/23/2009 (785418)  
98 03/08/2010 (786232)  
99 01/12/2010 (786869)  
100 04/15/2011 (787592)  
101 01/13/2010 (787773)  
102 04/15/2010 (788324)  
103 02/01/2010 (788382)  
104 02/22/2010 (791210)  
105 05/02/2010 (794617)  
106 04/12/2010 (794773)  
107 04/28/2010 (794975)  
108 04/14/2010 (795238)  
109 04/14/2010 (799094)  
110 04/30/2010 (801026)  
111 05/30/2010 (801934)  
112 06/30/2010 (825166)  
113 08/02/2010 (828972)  
114 09/02/2010 (841004)  
115 08/25/2010 (841008)  
116 08/04/2010 (841088)  
117 08/21/2010 (849069)  
118 08/25/2010 (850335)  
119 10/12/2010 (857938)  
120 10/26/2010 (863439)  
121 11/05/2010 (864188)  
122 11/16/2010 (871494)  
123 11/17/2010 (871714)  
124 12/02/2010 (872562)  
125 11/29/2010 (879181)  
126 01/03/2011 (880492)  
127 02/01/2011 (884523)  
128 02/15/2011 (885493)  
129 01/28/2011 (886698)

130 02/15/2011 (887400)  
131 01/25/2011 (891899)  
132 01/25/2011 (892077)  
133 01/28/2011 (892195)  
134 02/03/2011 (893455)  
135 02/12/2011 (895129)  
136 02/23/2011 (895953)  
137 02/22/2011 (899501)  
138 02/28/2011 (899688)  
139 02/23/2011 (899877)  
140 02/23/2011 (899965)  
141 03/18/2011 (900956)  
142 03/11/2011 (905401)  
143 03/25/2011 (905772)  
144 04/15/2011 (905863)  
145 05/25/2011 (907804)  
146 05/25/2011 (908478)  
147 06/28/2011 (921708)  
148 07/16/2011 (922886)  
149 06/27/2011 (935419)  
150 08/09/2011 (943832)  
151 08/17/2011 (945164)  
152 08/17/2011 (948414)  
153 08/22/2011 (948636)  
154 08/29/2011 (950307)  
155 08/29/2011 (950753)  
156 09/12/2011 (951989)  
157 10/28/2011 (952255)  
158 10/12/2011 (956048)  
159 10/29/2011 (962453)  
160 12/14/2011 (962772)  
161 11/17/2011 (962939)  
162 10/29/2011 (963201)  
163 10/29/2011 (963941)  
164 11/30/2011 (968943)  
165 11/29/2011 (968958)  
166 11/29/2011 (968968)  
167 11/29/2011 (969172)  
168 11/28/2011 (969262)  
169 11/29/2011 (969263)  
170 12/21/2011 (969888)  
171 01/20/2012 (970238)  
172 01/17/2012 (974631)  
173 12/28/2011 (974858)  
174 02/20/2012 (977333)  
175 03/22/2012 (982005)  
176 02/20/2012 (982229)  
177 02/27/2012 (988499)  
178 02/24/2012 (988543)  
179 05/15/2012 (989940)

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

Date: 07/31/2007 (558200) CN603839317  
Self Report? NO Classification: Moderate  
Citation: 01320 Special Condition 13 OP  
02288 Special Condition 16 OP  
19823 Special Condition 18E PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36646 Special Condition 8E PERMIT  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5952 Special Condition 21E PERMIT  
5972A Special Condition 10 PERMIT  
5972A Special Condition 17E PERMIT  
5972A Special Condition 7 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to operate without a cap, blind flange, plug, or a second valve installed.  
C10 cannot be picked.

Self Report? NO Classification: Moderate  
Citation: 01320 Special Condition 13 OP  
30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(a)  
5972A Special Condition 5A PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to monitor, record and maintain the F-4 Firebox temperature above the permitted limit.

Self Report? NO Classification: Moderate  
Citation: 01320 Special Condition 13 OP  
30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)  
5972A Special Condition 4 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to maintain records of tank pressure.

Self Report? NO Classification: Moderate  
Citation: 01320 Special Condition 13 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5952 Special Condition 12 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to monitor, record and maintain the F-6 Firebox temperature above the permitted limit

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to report all instances of deviations.

Self Report? NO Classification: Moderate  
Citation: 01320 Special Condition 13 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)  
36646 Special Condition 12 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to maintain records of monthly monitoring.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.144  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records of the daily flare observations.  
 Self Report? NO Classification: Moderate  
 Citation: 02288 Special Condition 16 OP  
 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)

Description: Failure to monitor NOx, CO and O2 at CG1/UEHK9 and CG2/UEHK10.  
 Self Report? NO Classification: Moderate  
 Citation: 02288 Special Condition 16 OP  
 16909 Special Condition 15i PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.144(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records.  
 Self Report? NO Classification: Moderate  
 Citation: 02288 Special Condition 16 OP  
 19823 Special Condition 14A PERMIT  
 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)

Description: Failure to have the cooling tower water sample port installed as required by permit.  
 Self Report? NO Classification: Moderate  
 Citation: 02288 Special Condition 16 OP  
 16909 Special Condition 12A PERMIT  
 19823 Special Condition 21D PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.144(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to monitor and maintain records of daily zero and span of continuous monitors.  
 Self Report? NO Classification: Moderate  
 Citation: 02288 Special Condition 16 OP  
 19823 Special Condition 10 PERMIT  
 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)

Description: Failure to comply with conditions of a permit.  
 Self Report? NO Classification: Moderate  
 Citation: 02288 Special Condition 16 OP  
 16909 Special Condition 14 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 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)

Description: Failure to monitor.  
 Self Report? NO Classification: Moderate  
 Citation: 02288 Special Condition 16 OP  
 19823 Special Condition 10C PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to operate the flare in a smokeless manner.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report all instances of deviations.  
 Self Report? NO Classification: Moderate

Citation: 02288 Special Condition 1 E OP  
 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(b)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain the tank opening in a closed position during normal operations on Tank T087.

Self Report? NO Classification: Moderate

Citation: 02288 Special Condition 16 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
49247 Special Condition 7 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain emissions rate below the allowable limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit a semiannual deviation report.

Self Report? NO Classification: Moderate

Citation: 01320 Special Condition 15 OP  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit an annual permit compliance certification (ACC) report within 30 days of the certification period.

Date: 09/27/2007 (570470) CN603839317

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.500  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.987(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to limit the frequency of visible smoke emissions from Huntsman's Low Pressure Flare Number (No.) 2.

Date: 12/17/2007 (597547) CN603839317

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01322 Special Condition 10A OP  
O-01322 Special Condition 1A OP

Description: Failure to maintain records of daily calibration.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 115, SubChapter C 115.216(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01322 Special Condition 1A OP  
O-01322 Special Condition 6A(vi) OP  
O-01322 Special Condition 7A(v) OP

Description: Failure to record daily flare observations.

Date: 07/09/2008 (682286) CN603839317

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(3)

5C THSC Chapter 382 382.085(b)  
 Special Condition 11 PERMIT  
 Special Condition 13 OP  
**Description:** Failure to comply with the VOC emissions limits as specified in the confidential section of the permit application of Permit 36646.

**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 13 OP  
 Special Condition 13 PERMIT

**Description:** Failure to comply with tank throughput limits for tank TG-39 as specified in the confidential section of the permit application for Permit 36646.

**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 1 PERMIT  
 Special Condition 13 OP

**Description:** Failure to comply with VOC emissions limits of the MAERT for tanks TG-38 and TG-39 (group 20), based on throughput exceedances of tank TG-39.

**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 12 PERMIT  
 Special Condition 13 OP

**Description:** Failure to maintain minimum incinerator firebox temperature at 1737 degrees Fahrenheit in the F6 Unit incinerator.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 OP  
 Special Condition 16(E) PERMIT

**Description:** Failure to cap an open-ended line in VOC service.

**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 13 OP  
 Special Condition 4 PERMIT

**Description:** Failure to maintain minimum incinerator firebox temperature at 1704 degrees Fahrenheit in the F4 Unit incinerator.

**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 16 OP  
 Special Condition 5 PERMIT

**Description:** Failure to comply with the emissions limits of NOx and CO as specified by SC 5 of Permit 16909.

**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 16 OP  
 Special Condition 9(A) PERMIT

**Description:** Failure to conduct daily monitoring on CAS connected to tank T-A3-29 on three occasions.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 16 OP

Special Condition 6 PERMIT

Description: Failure to maintain accurate railcar cleaning records.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit a deviation report in a timely manner for deviations documented on August 14, 2008.

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 16 OP  
Special Condition 4 PERMIT

Description: Failure to maintain CO emissions within the allowable limits as stated in SC 4 of the permit.

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 16 OP  
Special Condition 4 PERMIT

Description: Failure to maintain NOx emissions within the allowable limits as stated in SC 4 of the permit.

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 16 OP  
Special Condition 4 PERMIT

Description: Failure to maintain CO emissions in ppmvd within the allowable limits as stated in SC 4 of the permit.

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 12 (A) PERMIT  
Special Condition 16 OP

Description: Failure to maintain NOx emissions in ppmvd within the allowable limits as stated in SC 12(A) of the permit.

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 16 OP  
Special Condition 22 (D) PERMIT

Description: Failure to maintain waste heat boiler CEMS daily calibration records on two occasions.

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 16 OP  
Special Condition 4 PERMIT

Description: Failure to maintain emission of NOx and CO in ppmvd from CG2, below the permitted limits as per SC 4 of Permit 16909.

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 12(b) PERMIT  
Special Condition 16 OP

Description: Failure to conduct daily CEMS calibrations on CG1 CEMS.

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 1 PERMIT  
Special Condition 16 OP

Description: Failure to comply with the emissions limits of the MAERT of Permit 16909 as applicable to Boiler 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)  
Special Condition 15(l) PERMIT  
Special Condition 16 OP

Description: Failure to maintain Boiler 11 CEMS calibration records.

Self Report? NO 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)  
General Terms and Conditions OP

Description: Failure to report deviations for the reporting period of February 19, 2007 through February 19, 2008 as required by FOP-O-01320; and for the reporting period of February 14, 2007 through February 14, 2008 as required by FOP-O-02288.

Date: 08/26/2008 (700526) CN603839317

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
General terms and Conditions OP

Description: Failure to submit the semi-annual deviation report for FOP-O-02287 for the period of July 20, 2007, through January 20, 2008, in a timely manner.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
General terms and Conditions OP

Description: Failure to submit the Annual Compliance Certification report for FOP-O-02287 for the period of January 20, 2007, through January 20, 2008, in a timely manner.

Date: 12/09/2008 (654938) CN603839317

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01320 General Terms and Conditions OP  
FOP O-01320 Special Condition 2F OP

Description: Failure to properly report an emissions event. EIC C,3 MIN 3,C

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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 O-01320 General Terms and Conditions OP  
FOP O-01320 Special Condition 13 OP  
NSR Permit 5807A Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. EIC B,13  
MOD 2,D

Date: 02/20/2009 (726148) CN603839317

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 5(A) PERMIT  
Special Condition 16 OP  
Description: Failure to submit a testing plan to the TCEQ no later than 90 days prior to the initial start-up of the Oxygen injection system.

Date: 04/17/2009 (737882) CN603839317  
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 10 OP  
Special Condition 10 PERMIT  
Description: Failure to maintain minimum caustic concentrations as required by SC 10 of Permit 20134.

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 10 OP  
Special Condition 10 PERMIT

Description: Failure to conduct weekly testing for caustic concentration as required by this SC 10 of Permit 20134.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.133(2)  
30 TAC Chapter 122, SubChapter C 122.241(b)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit FOP-O-02286 renewal application in a timely manner.

Date: 04/24/2009 (735944)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
P.P.II.C.1.j. PERMIT

Description: Failure to continuously update the Notice of Registration (NOR) regarding the 21412961, waste stream's management unit, and status of active or inactive.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
40 CFR Chapter 263, SubChapter I, PT 263, SubPT C 264.13(b)  
P.P.II.C.1.k. PERMIT  
P.P.II.C.2.a. PERMIT  
P.P.IV.A PERMIT

Description: Failure to follow the Waste Analysis Plan (WAP) for the annual waste analysis.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(II)  
P.P.II.C.1.I PERMIT  
P.P.II.C.2.a. PERMIT

Description: Failure to properly maintain the impermeable liner in the secondary containment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
40 CFR Chapter 263, SubChapter I, PT 263, SubPT C 264.15(d)  
P.P.II.C.1.I PERMIT  
P.P.II.C.2.a. PERMIT

Description: Failure to place the name of the inspector on the daily inspection logs for the Utilities Area and Feed Prep Area.

Date: 05/29/2009 (745721) CN603839317  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 9 OP

Description: Failure to properly authorize the spray scrubber in the E7 Unit (EPN: E7LRMOCW).  
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 1 PERMIT  
Special Condition 9 OP

Description: Failure to maintain Ammonia emissions from the process wastewater as permitted by Permit 5807A.

Date: 06/02/2009 (743286) CN603839317

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 17 OP  
Special Condition 8 PERMIT

Description: Failure to comply with the requirement of absence of Ammonia odors as required by Special Condition 8 of permit 20160.

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 17 OP  
Special Condition 9(D) PERMIT

Description: Failure to comply with the CO concentration limits of 100 ppmvd as stated in SC 9(D).

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 12(E) PERMIT  
Special Condition 17 OP

Description: Failure to conduct annual calibrations on the monitors as required by SC 12(E).

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 14(F) PERMIT  
Special Condition 17 OP

Description: Failure to maintain weekly records of the reading of the pressure sensing device to verify disc integrity in the unit log.

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 K 60.113(b)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17 OP  
Special Condition 21(B) PERMIT

Description: Failure to conduct tank seal inspections for Tank T-F5-009 within 12 months as required by 40 CFR 60.113(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart VV 60.482-6  
5C THSC Chapter 382 382.085(b)  
Special Condition 14(E) PERMIT  
Special Condition 17 OP

Description: Failure to equip valves and lines with a cap, blind flange, plug or a second valve.

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 11(A) PERMIT  
 Special Condition 17 OP  
 Description: Failure to comply with the NOx emissions rates as specified in Special Condition 11(A) of permit 20160.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11(A) PERMIT

Description: Failure to comply with the NOx emissions rates as specified in Special Condition 11(A) of permit 20160.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 9(D) PERMIT

Description: Failure to comply with the CO concentration rates as specified in Special Condition 9(D) of permit 20160.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 4(D)(i) PERMIT

Description: Failure to comply with the emissions limits of NOx during start-up of Boiler 4 (EPN: H-K2-004).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14(F) PERMIT

Description: Failure to tag and monitor LDAR components on process liquid fuel filters.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 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)  
 General Terms and Conditions OP

Description: Failure to report all instances of deviations as required by FOP-O-01322 and 30 TAC 122.145(2)(A).

Date: 06/16/2009 (743080) CN603839317

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7(B) PERMIT

Description: Failure to conduct successive Continuous Emissions Monitoring System (CEMS) audits no closer than 2 months.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1(A) OP

Description: Failure to submit a complete HON fugitive monitoring report for the semi-annual reporting period of July 1, 2008 through December 31, 2008.

Date: 08/25/2009 (760297) CN603839317

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 12(A) PERMIT  
 Special Condition 16 OP

Description: Failure to maintain average hourly concentration of NOx and CO as permitted by SC 12(A) of permit 19823.

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 1 PERMIT  
 Special Condition 16 OP

Description: Failure to maintain emissions as specified by the MAERT of permit 19823.  
 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 16 OP  
 Special Condition 24 (F) PERMIT

Description: Failure to maintain concentration limits of benzene and toluene in the wastewater as permitted by SC 24(F) of Permit 19832.

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 16 OP  
 Special Condition 22(B) PERMIT

Description: Failure to conduct a quarterly cylinder gas audit on the waste heat boiler exhaust for the first calendar quarter of 2008.

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 16 OP  
 Special Condition 5(B) PERMIT

Description: Failure to maintain CO concentration limits of 100 ppmvd as permitted by SC 5(B) of permit 16909.

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 16 OP  
 Special Condition 5(A) PERMIT

Description: Failure to maintain average NOx emissions as permitted by SC 5(A) of permit 16909.

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 16 OP  
 Special Condition 4 PERMIT

Description: Failure to maintain emissions limits as permitted by SC 4 of permit 16909.

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 1 PERMIT  
 Special Condition 16 OP

Description: Failure to maintain emissions as specified by the MAERT of permit 16909.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
 5C THSC Chapter 382 382.085(b)  
 General terms and Conditions OP

Description: Failure to submit the semi-annual deviation report for FOP-O-02288 for the period of August 14, 2008, through February 14, 2009, in a timely manner.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)  
 General terms and Conditions OP

Description: Failure to submit the Annual Compliance Certification report for FOP-O-02288 for the period of February 14, 2008, through February 14, 2009, in a timely manner.

Date: 12/22/2009 (781839) CN603839317  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 OP  
Special Condition 16(E) PERMIT

Description: Failure to cap open-ended lines in VOC service.  
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 12 PERMIT  
Special Condition 13 OP

Description: Failure to maintain minimum Incinerator firebox temperature at 1737 degrees Fahrenheit in the F6 Unit incinerator.

Date: 04/19/2010 (788324) CN603839317  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01320, General Terms and Conditions OP  
O-01320, Special Condition 2F OP  
O-01320, Special Condition 2I OP  
O-01322, General Terms and Conditions OP  
O-01322, Special Condition 2F OP  
O-01322, Special Condition 2I OP  
O-02288, General Terms and Conditions OP  
O-02288, Special Condition 2F OP  
O-02288, Special Condition 2I OP

Description: Failure to properly submit an initial notification.

Date: 04/29/2010 (794975) CN603839317  
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 1 PERMIT  
Special Condition 9 OP

Description: Failure to comply with Volatile Organic Compound (VOC) emission limits during tank car loading as permitted by the MAERT of permit 647B.

Date: 08/04/2010 (841088) CN603839317  
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 12(A) PERMIT  
Special Condition 16 OP

Description: Failure to maintain average hourly concentration of NOx and CO within permitted limits as permitted by SC 12(A) of NSR permit 19823.

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 16 OP  
 Special Condition 24 (F) PERMIT  
**Description:** Failure to maintain concentration limits of Benzene and Toluene in the wastewater as permitted by SC 24(F) of NSR permit 19832 for the 4th quarter of 2009.

**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 12 (B) PERMIT  
 Special Condition 16 OP

**Description:** Failure to maintain CO concentration limits at 25 ppmvd as permitted by SC 12(B) of NSR permit 19823.

**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 12 (C) PERMIT  
 Special Condition 16 OP

**Description:** Failure to comply with emissions exceedance duration for maintenance, start-up or shutdown as stated in SC 12(C) of NSR permit 19823.

**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 16 OP  
 Special Condition 27 PERMIT

**Description:** Failure to comply with the maximum firing rate for furnaces H-A3-3 and H-A3-2 as stated in SC 27 of NSR permit 19823.

**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 1 PERMIT  
 Special Condition 16 OP

**Description:** Failure to comply with the emissions limits as stated in the MAERT of NSR permit 19823.

**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 16 OP  
 Special Condition 5(B) PERMIT

**Description:** Failure to maintain CO concentration limits of 100 ppmvd as permitted by SC 5(B) of NSR permit 16909.

**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 16 OP  
 Special Condition 5(A) PERMIT

**Description:** Failure to maintain average NOx emissions as permitted by SC 5(A) of NSR permit 16909.

**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 16 OP  
 Special Condition 4 PERMIT

**Description:** Failure to maintain emissions limits of NOx and CO as permitted by SC 4 of NSR permit 16909.

Date: 08/23/2010 (849069)

CN603839317

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 6(C)(iii) PERMIT

Description: Failure to conduct daily stain tube testing to measure ammonia for the first 60 days of operating boiler H-K2-004.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 17 OP  
 Special Condition 9(D) PERMIT

Description: Failure to comply with Carbon monoxide (CO) emissions limits of 100 parts per million (ppm) from boilers H-K2-001 and H-K2-002 as permitted by SC 9(D) of New Source Review (NSR) permit 20160.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2515(b)  
 5C THSC Chapter 382 382.085(b)  
 Permit by Rule Registration 82543 PERMIT  
 Special Condition 17 OP

Description: Failure to provide 60 day notification prior to conducting a performance test on the biodiesel flare.

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 17 OP  
 Special Condition 4(D)(i) PERMIT

Description: Failure to comply with NOx emissions limits as permitted by SC4(D)(i) of Standard Permit 83113, during the startup of boiler H-K2-004.

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 17 OP  
 Special Condition 4(D)(ii) PERMIT

Description: Failure to comply with CO emissions limits as permitted by SC 4(D)(ii) of Standard Permit 83113, during the startup of boiler H-K2-004.

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 11(A)(4) PERMIT  
 Special Condition 17 OP

Description: Failure to comply with CO concentration emissions limits from boiler H-K2-003 as permitted by SC 11(A)(4) of Permit 20160.

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 17 OP  
 Special Condition 9(A) PERMIT

Description: Failure to maintain NOx emissions limits of 0.08 lb/MMBtu from boiler H-K2-001, as permitted by SC 9(A) of permit 20160.

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 17 OP  
 Special Condition 4(B)(v) PERMIT

Description: Failure to maintain CO concentration emissions of 50 ppm from boiler H-K2-004, as permitted by SC 4(B)(v) of permit 83113.

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 11(A)(1) PERMIT  
Special Condition 17 OP

Description: Failure to maintain NOx emissions limits of 0.05 lb/MMBtu from boiler H-K2-003, as permitted by SC 11(A)(1) of permit 20160.

Date: 12/28/2010 (880492) CN603839317

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 10 OP  
Special Condition 8 PERMIT

Description: Failure to maintain a minimum flow rate of 10 gallons per minute in the E6 scrubber.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(c)  
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 1 PERMIT  
Special Condition 10 OP

Description: Failure to comply with the Sulfur dioxide emissions limits as permitted by SC 1 and the MAERT of permit 20134.

Date: 07/19/2011 (922886) CN603839317

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 12 (B) PERMIT  
Special Condition 19 OP

Description: Failure to maintain CO concentration limits at 25 ppm as permitted by SC 12(B) of Permit 19823.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19 OP  
Special Condition 27 PERMIT

Description: Failure to comply with the maximum firing rate for furnace H-A3-2 as stated in SC 27 of Permit 19823.

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 1 PA  
Special Condition 19 OP

Description: Failure to comply with the emissions limits as stated in the MAERT of Permit 19823.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19 OP  
Special Condition 5(B) PERMIT

Description: Failure to maintain CO concentration limits of 100 parts per million by dry volume (ppmvd) as permitted by SC 5(B) of permit 16909.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19 OP  
Special Condition 5(A) PERMIT

Description: Failure to maintain average NOx emissions as permitted by SC 5(A) of permit 16909.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19 OP  
Special Condition 4 PERMIT

Description: Failure to maintain emissions limits of NOx as permitted by SC 4 of permit 16909.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19 OP  
Special Condition 7 PERMIT

Description: Failure to maintain emissions limits from the JWWTP as permitted by SC 7 of permit 49247.

Date: 08/10/2011 (943832) CN603839317

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 5(B) PERMIT  
Special Condition 9 OP

Description: Failure to calibrate the infrared monitor on the E7 flare (Emission Point Number (EPN): E7RE9803) at a frequency as recommended by the manufacturer.

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 10 PERMIT  
Special Condition 9 OP

Description: Failure to maintain tank services for tank E7TE715 as permitted by SC 10 of permit 647B.

Self Report? NO 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)  
General Terms and Conditions OP

Description: Failure to report all instances of deviations.

Date: 08/19/2011 (945164) CN603839317

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 17 OP  
Special Condition 4(D)(i) PERMIT

Description: Failure to maintain NOx emissions below 0.10 lbs/MMBtu as permitted by SC 4(D) (i) of Permit 83113.

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 17 OP  
Special Condition 4(B)(v) PERMIT

Description: Failure to maintain CO emissions below 50 ppmvd as permitted by SC 4(B)(v) of Permit 83113.

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 12(C) PERMIT  
Special Condition 17 OP

Description: Failure to comply with SC12(C) of Permit 20160 pertaining to visible emissions from the flare.

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 17 OP  
Special Condition 6(B)(i)(c)(2) PERMIT

Description: Failure to provide TCEQ Regional Office with written notification 15 days after the completion of a RATA on the Boiler H-K2-004 CEMS.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart VV 60.482-6  
40 CFR Part 63, Subpart H 63.167  
5C THSC Chapter 382 382.085(b)  
Special Condition 14(E) PERMIT  
Special Condition 17 OP

Description: Failure to equip an open-ended valve or line with a cap, blind flange, plug or a second valve.

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 12(A) PERMIT  
Special Condition 17 OP

Description: Failure to maintain the minimum heating value of at least 600 Btu/scf of gas combusted at the flare tips of the PO ground flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report deviations in a timely manner and accurately certify the Annual Compliance Certification.

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 17 OP  
Special Condition 9(D) PERMIT

Description: Failure to maintain in-stack concentration of CO below 100 ppmvd as permitted by SC 9(D) of Permit 20160.

Date: 11/18/2011 (962939) CN603839317

Self Report? NO Classification: Moderate

Citation: Special Condition 1 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19 OP

Description: Failure to maintain emissions below the allowable emission limits during incident 158178.

Date: 06/15/2012 (1006998) CN603839317

Self Report? NO 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)  
General Terms and Conditions OP

Description: Failure to submit accurate Title V Semiannual Deviation Reports

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Condition OP  
 Description: Failure to accurately certify an Annual Compliance Certification.

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 12 PERMIT  
 Special Condition 15 OP  
 Special Condition 4 PERMIT  
 Description: Failure to maintain the incinerator firebox temperature at or above the permitted level.

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 15 OP  
 Special Condition 7 PERMIT  
 Description: Failure to comply with permit limits for a wastewater conveyance stream.

F. Environmental audits.

Notice of Intent Date: 11/07/2007 (708722)

Disclosure Date: 05/06/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

Description: Failure to have a submerged fill for containers receiving pumped waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)

Description: Failed to initially and quarterly visually inspect unburied sewers managing BWON waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(2)  
 40 CFR Part 61, Subpart FF 61.356(f)(3)

Description: Failure to demonstrate that control devices achieved benzene removal requirements, allowed either engineering calculations or performance tests, and establish engineering calculations or performance tests record keeping requirements.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

Description: Failure to establish performance monitoring requirements for vapor phase carbon canister systems where carbon is not regenerated on site.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)

Description: Failure to establish requirements for quantifying a waste's benzene quantity.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)(4)

Description: Failure to establish procedures for annualizing benzene quantity in turnaround wastes.

Viol. Classification: Moderate

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

Description: Failure to routinely flow-weight average benzene concentration.

Viol. Classification: Moderate

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

Description: Failure to properly incorporate all phases in waste characterization.

Viol. Classification: Moderate

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

Description: Failure to establish record keeping requirements for benzene quantifications.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(3)

Description: Failure to establish requirements to demonstrate that the treatment processes or wastewater treatment system has achieved benzene removal requirements and a failure to establish a certification regarding design performance equipment.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(1)

Description: Failed to certify that equipment needed to comply with the BWON was installed, inspected, and tested.

Notice of Intent Date: 11/16/2007 (611106)

Disclosure Date: 02/18/2008

Viol. Classification: Major  
Rqmt Prov: PERMIT NSR 19823  
PERMIT O2288

Description: Failure to amend Title V permit O2288 to indicate A3 unit is subject to MACT Subpart SS and YY, and failure to amend NSR permit 18823 to indicate both MACT standards as being applicable.

Viol. Classification: Major  
Rqmt Prov: PERMIT O2288 SC 18

Description: Failure to certify compliance with MACT XX and YY requirements in the annual report for 2006 for the A3 Unit.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(e)

Description: Failure to submit a periodic report for MACT Subpart XX and YY for A3 Units.

Viol. Classification: Moderate  
Rqmt Prov: PERMIT 56390 SC 7

Description: Failure to comply with permit condition for the removal of Heel from railcars.

Viol. Classification: Major  
Rqmt Prov: PERMIT NSR 19823  
PERMIT O2288

Description: Failure to amend permit O2288 For A3 Unit to indicate RSET0126 wash tank is now being used to store wastewater or aromatic distillate.

Viol. Classification: Moderate  
Rqmt Prov: PERMIT 49247 SC 8.D

Description: Failure to maintain records related to emissions calculations for newly identified contaminants from wastewater treatment plant.

Viol. Classification: Major  
Rqmt Prov: PERMIT NSR 16909  
PERMIT PSD-TX-780, SC 18.A and B

Description: Failure to amend permit to reflect permanent shutdown of boilers 5, 6, 7, and 8.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(d)

Description: Failure to maintain records in regards to the amounts of each fuel combusted each day.

Viol. Classification: Major  
Rqmt Prov: PERMIT 01322  
PERMIT 02287

Description: Failure to amend Title V permit 01322. Specifically the current Title V permit authorization by reference by emission unit section refers to the old C-4 unit's NSR permit 20485 and does not reference the current PO/MTBE NSR permit 20160.

Viol. Classification: Major  
Rqmt Prov: PERMIT 02286

Description: Failure to comply with permit no. 20134.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.660(c)(4)

Description: Failure to maintain records to demonstrate (TRE) index value for process vent E4FE456 (2nd DEA Tower) is maintained at greater than 8.0.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(j)(4)

Description: Failure to maintain annual emission calculations for marine loading tank vessel for 5 years.

Viol. Classification: Moderate  
Rqmt Prov: PA NSR 42526 SC 7.A

Description: Failure to monitor VOC cooling tower water on a monthly basis with an air stripping system.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)

Rqmt Prov: PERMIT O-02287

Description: Failure to update Title V permit O-02287, and O-02288 to reference PBR for abrasive blasting and surface coating.

Notice of Intent Date: 07/19/2008 (700547)

Disclosure Date: 12/29/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802, SC 2.F

Description: Failure to maintain the pressure differential and to record vacuum readings every 15 minutes during loading operations.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802, SC 3.B

Description: Failure to calibrate the flare pilot flame in accordance with the manufacturer's recommendations for calibration.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802, SC 3.D

Description: Failure to comply with permitted gas flow rates.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802 SC5.E

Description: Failure to conduct visual, Audible, olfactory inspections while loading cyclohexane.

Viol. Classification: Minor

Rqmt Prov: PERMIT 79802 SC2.B

Description: Failure to accurately record start and end time data of loading emissions.

Notice of Intent Date: 03/25/2009 (743345)

No DOV Associated

Notice of Intent Date: 09/29/2009 (800608)

Disclosure Date: 02/02/2010

Viol. Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(3)

Description: Failure to affix to a leaking component, a weatherproof and readily visible tag, bearing an identification number and the date the leak was detected. This tag must remain in place until the leaking component is repaired.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(A)

30 TAC Chapter 115, SubChapter D 115.352(2)(B)

30 TAC Chapter 115, SubChapter D 115.352(2)(C)

30 TAC Chapter 115, SubChapter D 115.352(2)(C)(I)

30 TAC Chapter 115, SubChapter D 115.352(2)(C)(II)

30 TAC Chapter 115, SubChapter D 115.352(2)(C)(III)

30 TAC Chapter 115, SubChapter D 115.352(3)

40 CFR Part 60, Subpart VV 60.482-9

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(e)

Description: Failure to correctly identify reason for Delay of Repairs ("DOR") and failure to document accurate unit shut-down dates for repair of leaking components.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)  
30 TAC Chapter 115, SubChapter D 115.356(2)(D)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(4)

Description: Failure to maintain records on components, process areas and calibration gas cylinders.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(g)

Description: Failure to visually inspected initially and quarterly thereafter each closed-vent system and control device. The visual inspection shall include inspection of ductwork and piping and connections to covers and control devices for evidence of visible defects such as holes in ductwork or piping and loose connections.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(2)

Description: The Respondent exceeded that 3% allowable of Difficult to Monitor ("DTM") valves within a new source process unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

Description: Failure to comply with record keeping requirements of process units covered under NESHAPS FF.

Notice of Intent Date: 10/25/2010 (877292)

No DOV Associated

Notice of Intent Date: 02/06/2012 (1001498)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
HUNTSMAN PETROCHEMICAL  
LLC  
RN100219252

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2012-1361-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 Huntsman Petrochemical LLC ("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 petrochemical manufacturing plant at 6001 Highway 366 in Port Neches, Jefferson 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 June 20 and August 12, 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 Fifty-Three Thousand Eight Hundred Fifty Dollars (\$53,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-One Thousand Five

Hundred Forty Dollars (\$21,540) of the administrative penalty and Ten Thousand Seven Hundred Seventy Dollars (\$10,770) 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. Twenty-One Thousand Five Hundred Forty Dollars (\$21,540) 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. Determined the non-compliant sample from the Wastewater Conveyances was due to lack of flow and on July 25, 2011 collected another sample that was compliant; and
  - b. In order to keep emissions below the allowable limit from the pressure swing adsorber skid, installed equipment and instrumentation for a 4-bed operation, which was completed on May 29, 2012.
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:

1. Failed to maintain an emissions rate below the allowable emissions rate of 14.68 pounds per hour ("lbs/hr"), as reported in the semi-annual deviation report for the period of February 19, 2011 through August 18, 2011, in violation of 30 TEX. ADMIN. CODE §§

116.115(b)(2)(F) and (c) and 122.143(4), Federal Operating Permit ("FOP") No. O1320, Special Terms and Conditions ("STC") No. 15, New Source Review ("NSR") Permit No. 5972A, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 9, 2012. Specifically, the volatile organic compound ("VOC") emissions rate from the pressure swing adsorber skid, emission point number ("EPN") PSASKID, was reported to be 121.31 lbs/hr for nine hours on August 14, 2011, 159.49 lbs/hr for one hour on August 17, 2011, and 72.24 lbs/hr two hours on August 18, 2011. Total unauthorized VOC emissions were 1,219.59 lbs.

2. Failed to maintain the VOC concentration below the allowable limit of 1,204 parts per million ("ppm") from the Wastewater Conveyance System, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1320, STC No. 15, NSR Permit No. 36646, SC No. 10 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 9, 2012. Specifically, the VOC concentration was measured to be 10,043 ppm at EPN G6WWFUG, according to a sample taken on July 20, 2011.
3. Failed to maintain the carbon monoxide ("CO") emissions rate below the allowable emissions rates of 20.77 lbs/hr from EPN HK-F5-003 and 28.57 lbs/hr from EPN STEAMGEN, as reported in the semi-annual deviation report for the period of October 1, 2011 through March 31, 2012, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 20160, SC No. 1, FOP No. O3056, STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during a record review on July 31, 2012. Specifically, the CO emissions rates from EPN HK-F5-003 were 30.29 lbs/hr, 25.20 lbs/hr, 31.48 lbs/hr, 33.04 lbs/hr, and 38.20 lbs/hr for the five-hour event that began on October 11, 2011 at 8:00 p.m. and ended on October 12, 2011 at 1:00 a.m. The CO emissions rates from EPN STEAMGEN were 32.02 lbs/hr and 56.99 lbs/hr for the two-hour event on October 21, 2011 from 9:00 a.m. to 11:00 a.m. Total unauthorized CO emissions were 86.23 lbs.

### 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: Huntsman Petrochemical LLC, Docket No. 2012-1361-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, Twenty-One Thousand Five Hundred Forty Dollars (\$21,540) 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. 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, implement measures designed to prevent recurrence of excess CO emissions from EPNs HK-F5-003 and STEAMGEN; and
  - 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. 3.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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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

exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Pam Dawkins*  
For the Executive Director

3/29/13  
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.

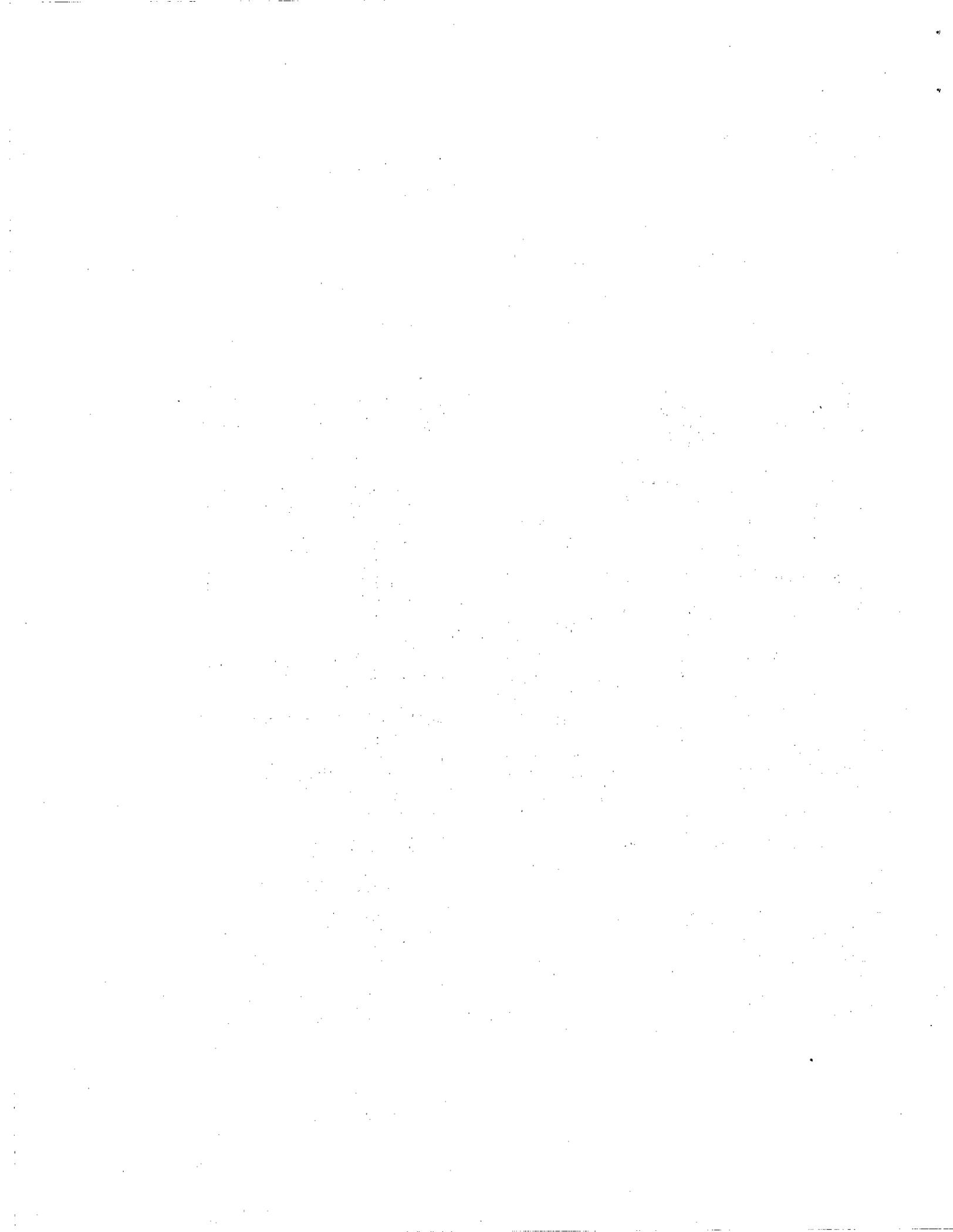
*Daniel J. Kemp*  
Signature

1/126/12  
Date

DANIEL J. KEMP  
Name (Printed or typed)  
Authorized Representative of  
Huntsman Petrochemical LLC

DIRECTOR OF MANUFACTURING  
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.



**Attachment A**  
**Docket Number: 2012-1361-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Huntsman Petrochemical LLC</b>
<b>Payable Penalty Amount:</b>	<b>Forty-Three Thousand Eighty Dollars (\$43,080)</b>
<b>SEP Amount:</b>	<b>Twenty-One Thousand Five Hundred Forty Dollars (\$21,540)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 106 – Southern Louisiana – Southeast Texas</b>

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 amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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**

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

**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:

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director Transportation and Environmental  
Resources  
Attention: SEP  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ 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

Huntsman Petrochemical LLC  
Agreed Order – Attachment A

the SEP amount.

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

Office of Legal Services  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
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.

