

Executive Summary – Enforcement Matter – Case No. 44962
Styrolution America LLC
RN100542224
Docket No. 2012-1839-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Bayport Facility, 12222 Port Road, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 17, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$47,100

Amount Deferred for Expedited Settlement: \$9,420

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$37,680

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 44962
Styrolution America LLC
RN100542224
Docket No. 2012-1839-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 10, 2012 and July 16 - 25, 2012

Date(s) of NOE(s): February 14, 2012 and August 9, 2012

Violation Information

1. Failed to comply with the allowable hourly emissions rate. Specifically, a performance stack test was conducted on May 15 and 16, 2008, resulting in the measurement of the volatile organic compound ("VOC") emission rate from Emissions Point Number ("EPN") 301A to be 0.73 pound per hour ("lb/hr"), and of the PM10 emission rate for EPA 301B to be 1.56 lbs/hr [30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O1625, Special Terms and Conditions ("STC") No. 15, Air Permit No. 5252, Special Conditions ("SC") Number 1, and TEX. HEALTH & SAFETY CODE, §382.085(b)].

2. Failed to comply with the allowable annual nitrogen oxides ("NOx") and carbon monoxide ("CO") emissions rates for the flare, EPN FL. Specifically, Respondent exceeded the allowable annual NOx emissions rate of 1.06 tons per year and CO emissions rate of 7.68 tons per year based on a rolling 12-month period from February 2011 to January 2012, resulting in the unauthorized release of 2.16 tons of NOx and 13.74 tons of CO [30 TEX. ADMIN. CODE §116.115(c) and §122.143(4), TEX. HEALTH & SAFETY CODE, §382.085(b), Air Permit No. 5252, SC No. 1, and FOP No. O1625, STC No. 15].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On March 5, 2012, Respondent submitted permit amendment application for Air Permit No. 5252 to increase the allowable annual NOx and CO emissions rates for the flare EPN FL, the VOC hourly emission rates for EPN 301A and the particulate matter smaller than 10 microns in diameter ("PM10") hourly emission rates for EPN 301B.

Technical Requirements:

The Order will require Respondent to:

a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for TCEQ Air Permit No. 5252 within 30 days after the date of such requests, or by any other deadline specified in writing;

b. Within 180 days, submit written certification to demonstrate that a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and

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Styrolution America LLC
RN100542224
Docket No. 2012-1839-AIR-E

c. Within 210 days, submit certification demonstrating compliance with the limits for PM₁₀ for EPN 301B, VOC for EPN 301A, and NO_x and CO for EPN FL.

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: Nadia Hameed, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Diana Firpi, Senior Environmental Manager, Styrolution America LLC,
12222 Port Road, Pasadena, Texas 77507
Cathy Culpepper, Site Director - Gulf Coast, Styrolution America LLC, 12222 Port Road,
Pasadena, Texas 77507
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	21-Feb-2012	Screening	23-Feb-2012	EPA Due	10-Nov-2012
	PCW	8-Mar-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Styrolution America LLC
Reg. Ent. Ref. No.	RN100542224
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	44962	Order Type	1660
Docket No.	2012-1839-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$20,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **57.0%** Enhancement **Subtotals 2, 3, & 7** **\$11,400**

Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and two orders with denial of liability.

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 **\$1,062**
Approx. Cost of Compliance **\$5,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$31,400**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$31,400**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$31,400**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$6,280**

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 **\$25,120**

Screening Date 23-Feb-2012

Docket No. 2012-1839-AIR-E

PCW

Respondent Styrolution America LLC

Policy Revision 2 (September 2002)

Case ID No. 44962

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542224

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 57%

>> **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 three NOVs with same/similar violations, one NOV with dissimilar violations, and two orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 57%

Screening Date 23-Feb-2012

Docket No. 2012-1839-AIR-E

PCW

Respondent Styrolution America LLC

Policy Revision 2 (September 2002)

Case ID No. 44962

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542224

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1625, Special Terms and Conditions No. 15, Air Permit No. 5252, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the allowable hourly emissions rate. Specifically, a performance stack test was conducted on May 15 and 16, 2008, resulting in the measurement of the volatile organic compound ("VOC") emission rate from Emissions Point Number ("EPN") 301A to be 0.73 pound per hour ("lb/hr"), and of particulate matter smaller than 10 microns in diameter ("PM10") emission rate for EPN 301B to be 1.56 lbs/hr. The allowable VOC emission rate for EPN 301A is 0.22 lb/hr and the allowable PM10 emission rate for EPN 301B is 0.38 lb/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes

Based on the estimated emissions of 1,725.84 lbs of VOC from EPN 301A and 3,993.12 lbs of PM10 from EPN 301B, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 8 Number of violation days 1379

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'X' is marked in the semiannual row.

Violation Base Penalty \$20,000

Eight semiannual events are recommended from the date of the stack test on May 15, 2008 to the screening date of February 23, 2012.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. 'X' is marked in the N/A row.

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

Violation Subtotal \$20,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,062 Violation Final Penalty Total \$31,400

This violation Final Assessed Penalty (adjusted for limits) \$31,400

Economic Benefit Worksheet

Respondent Styrolution America LLC
Case ID No. 44962
Reg. Ent. Reference No. RN100542224
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	15-May-2008	12-Aug-2012	4.25	\$1,062	n/a	\$1,062

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to achieve compliance with allowable emissions rates for VOC from EPN 301A and PM10 from EPN 301B. The date required is the date of the first stack test. The final date is the date the corrective actions are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,062



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned PCW	13-Aug-2012	Screening	12-Sep-2012	EPA Due	6-May-2013
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RESPONDENT/FACILITY INFORMATION	
Respondent	Styrolution America LLC
Reg. Ent. Ref. No.	RN100542224
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	44962	No. of Violations	1
Docket No.	2012-1839-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and two orders with denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Screening Date 12-Sep-2012

Docket No. 2012-1839-AIR-E

PCW

Respondent Styrolution America LLC

Policy Revision 2 (September 2002)

Case ID No. 44962

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542224

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 57%

>> 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 three NOVs with same/similar violations, one NOV with dissimilar violations, and two orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 57%

Screening Date 12-Sep-2012

Docket No. 2012-1839-AIR-E

PCW

Respondent Styrolution America LLC

Policy Revision 2 (September 2002)

Case ID No. 44962

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542224

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 5252, Special Conditions No. 1, and Federal Operating Permit No. O1625, Special Terms and Conditions No. 15

Violation Description Failed to comply with the allowable annual nitrogen oxides ("NOx") and carbon monoxide ("CO") emissions rates for the flare, Emissions Point Number FL. Specifically, the Respondent exceeded the allowable annual NOx emissions rate of 1.06 tons per year and CO emissions rate of 7.68 tons per year based on a rolling 12-month period from February 2011 to January 2012, resulting in the unauthorized release of 2.16 tons of NOx and 13.74 tons of CO.

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 364

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

Violation Base Penalty \$10,000

Four quarterly events are recommended for the noncompliant 12-month period that began on February 1, 2011 and was documented through January 31, 2012.

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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$671

Violation Final Penalty Total \$15,700

This violation Final Assessed Penalty (adjusted for limits) \$15,700

Economic Benefit Worksheet

Respondent Styrolution America LLC
Case ID No. 44962
Reg. Ent. Reference No. RN100542224
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Feb-2011	7-Oct-2013	2.68	\$671	n/a	\$671

Notes for DELAYED costs

Estimated cost to obtain a permit amendment to increase the allowable NOx and CO emissions rates for the flare. The date required is the initial date of noncompliance. The final date is the date that corrective actions are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$671
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603988940, RN100542224, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, or Owner/Operator: CN603988940, Styrolution America LLC **Classification:** AVERAGE **Rating:** 3.75

Regulated Entity: RN100542224, BAYPORT FACILITY **Classification:** AVERAGE **Rating:** 7.50

Complexity Points: 0 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 12222 PORT RD PASADENA, TX 77507-1800, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG3307M

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD987985678

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

1011650

AIR NEW SOURCE PERMITS REGISTRATION 76216

AIR NEW SOURCE PERMITS AFS NUM 4820101296

AIR NEW SOURCE PERMITS REGISTRATION 55768

AIR NEW SOURCE PERMITS REGISTRATION 89124

AIR NEW SOURCE PERMITS REGISTRATION 94114

WATER LICENSING LICENSE 1011650

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG3307M

STORMWATER PERMIT TXR05BG12

AIR OPERATING PERMITS PERMIT 1625

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 39186

AIR NEW SOURCE PERMITS PERMIT 5252

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG3307M

AIR NEW SOURCE PERMITS REGISTRATION 23515

AIR NEW SOURCE PERMITS REGISTRATION 81829

AIR NEW SOURCE PERMITS REGISTRATION 91703

AIR NEW SOURCE PERMITS REGISTRATION 95850

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION

(SWR) 39186

POLLUTION PREVENTION PLANNING ID NUMBER

P00330

Compliance History Period: September 01, 2006 to August 31, 2011 **Rating Year:** 2011 **Rating Date:** 09/01/2011

Date Compliance History Report Prepared: February 15, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 08, 2008 to February 08, 2013

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

Name: Nadia Hameed

Phone: (713) 767-3629

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) If YES for #2, who is the current owner/operator?
Styrolution America LLC OWNER OPERATOR since 10/5/2011
Nova Chemicals (USA) Inc. OWNER OPERATOR since 1/1/1800
Styrolution America LLC OWNER OPERATOR since 9/26/2007
Styrolution America LLC OWNER OPERATOR since 3/1/2011
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)?
INEOS STYRENICS LLC, OWNER OPERATOR, 3/2/2011 to 10/4/2011
Huntsman Petrochemical Corporation, OWNER OPERATOR, 10/14/1993 to 3/1/2011
- 5) If YES, when did the change(s) in owner or operator occur? 3/1/2011

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

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

- 1 **Effective Date: 08/23/2009 ADMINORDER 2009-0209-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
Description: THE RE failed to notify the Texas Commission on Environmental Quality of a reportable Emission Event.
(Violation Category A 12 I (8))
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, the RE did not submit sufficient information to demonstrate that this emissions event was reasonably unavoidable.
- 2 **Effective Date: 05/12/2012 ADMINORDER 2011-1775-AIR-E (1660 Order-Agreed Order With Denial)**
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 Term and Condition 15 OP
Description: Failed to prevent unauthorized emissions during an emissions event (Incident No. 154683) which occurred on May 19, 2011, and lasted approximately three hours and 30 minutes
Classification: Minor
Citation: 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:Special Term and Condition 2(F) OP
Description: Failed to submit a complete final record for Incident No. 154683. Specifically, the final record did not include the permit number for the facilities involved in Incident No. 154683

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 30, 2008	(671294)
Item 2	August 06, 2008	(685800)
Item 3	October 16, 2008	(671064)
Item 4	January 20, 2009	(704932)
Item 5	September 28, 2009	(777638)
Item 6	March 15, 2010	(791845)
Item 7	September 16, 2010	(849200)
Item 8	October 11, 2010	(849724)
Item 9	March 09, 2011	(878152)
Item 10	March 17, 2011	(894192)
Item 11	April 05, 2011	(907807)
Item 12	June 29, 2011	(934177)
Item 13	September 28, 2011	(957317)
Item 14	June 07, 2012	(1009359)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 04/04/2008 (613196) CN603988940
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)
TCEQ AIR PERMIT #5252, SC#1 PA

Description: Nova Chemicals Bayport failed to prevent the Benzene Prefractionator Reflux Drum (MS -104) from overpressuring. The unauthorized emissions released were 40.4 pounds (lbs) of benzene.

- 2 Date: 07/07/2008 (682663) CN603988940
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)
5C THSC Chapter 382 382.085(b)
Description: The RE failed to submit a stack test report on time.
- 3 Date: 01/30/2009 (681421) CN603988940
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(E)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(d)
40 CFR Part 60, Subpart A 60.18
5C THSC Chapter 382 382.085(b)
Federal Operating Permit O-01625 SC1A OP
Federal Operating Permit O-01625, SC14A OP
NSR 5252 SC 7A PERMIT
Description: The RE was unable to meet the 300 Btu/scf vent gas to the flare.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.786(b)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(b)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(f)(2)
5C THSC Chapter 382 382.085(b)
FOP O-01625 SC 14A OP
FOP O-01625 SC 1A OP
NSR 5252 SC 21 2B PERMIT
NSR 5252 SC 4 PERMIT
Description: The RE failed to conduct car seal inspections for the period of February through March.
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 Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
FOP O-01625 SC 14A OP
FOP O-01625 SC 1A OP
New Source Review 5252 SC 12E PERMIT
NSR 5252 SC 13E PERMIT
Description: The RE discovered 69 open ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01625 SC 1 OP
FOP O-01625 SC 14 A OP
NSR 5252 SC 1 PERMIT
Description: The RE exceeded hourly emission on the HS-102 excess firing.
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)
Federal Operating Permit O-01625 SC 14A OP
New Source Review 5252 SC 1 PERMIT
Description: The RE exceeded the hourly flare VOC limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8130
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Federal Operating Permit O-01625 SC 14 OP
Federal Operating Permit O-01625 SC 1A OP

Description: New Source Review 5252 SC 17 PERMIT
 The RE unable to demonstrate compliance with ammonia permit limit on HS-220.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Federal Operating Permit O-01625 SC 14A OP
 Federal Operating Permit O-01625 SC1 OP
 New Source Review 5252 SC 1 PERMIT
 The RE failed to meet hourly limits on the MAERT for NOx on the HS -220.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Federal Operating Permit O-01625 SC 14A OP
 New Source Review 5252 SC 6B PERMIT
 The RE was unable comply with the provision of Special Condition 6 of the NSR
 permit during startup and shut down for the steam super Heater HS-220.
 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)

Description: Federal Operating Permit O-01625 SC 1A OP
 Federal Operating Permit O-01625 SC 14 A OP
 New Source Review 5252 SC 1 PERMIT
 The RE failed to adhere to the permitted PM limits for the cooling tower.
 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)

Description: Federal Operating Permit O-.01625 SC 1A OP
 Federal Operating Permit O-01625 SC 14A OP
 New Source Review 5252 SC 1 PERMIT
 The RE exceeded the twelve month rolling average for flare VOC.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Federal Operating Permit O-01625 SC 14A OP
 Federal Operating Permit O-01625 SC 1A OP
 New Source Review Permit 5252 SC 1 PERMIT

Description: THE RE exceeded the permit limit for PM in the HS-220 unit.

4 Date: 09/16/2010 (841492) CN603988940
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent heat damage to and leakage through the mechanical seal on a Benzene Feed Pump.

F. Environmental audits:

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
STYROLUTION AMERICA LLC
RN100542224**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-1839-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 Styrolution America LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 12222 Port Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about February 19, 2012 and August 14, 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 Forty-Seven Thousand One Hundred Dollars (\$47,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Seven Thousand Six Hundred Eighty Dollars (\$37,680) of the administrative penalty and Nine Thousand

Four Hundred Twenty Dollars (\$9,420) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on March 5, 2012, the Respondent submitted a permit amendment application for Air Permit No. 5252 to increase the allowable annual nitrogen oxides ("NOx") and carbon monoxide ("CO") emissions rates for the flare, Emissions Point Number ("EPN") FL, the volatile organic compound ("VOC") hourly emission rates for EPN 301A and the particulate matter smaller than 10 microns in diameter ("PM10") hourly emission rates for EPN 301B.
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 comply with the allowable hourly emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O1625, Special Terms and Conditions No. 15, Air Permit No. 5252, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 10, 2012. Specifically, a performance stack test was conducted on May 15 and 16, 2008, resulting in the measurement of the VOC emission rate from EPN 301A to be 0.73 pound per hour ("lb/hr"), and of the PM10 emission rate for EPN 301B to be 1.56 lbs/hr. The allowable VOC emission rate for EPN 301A is 0.22 lb/hr and the allowable PM10 emission rate for EPN 301B is 0.38 lb/hr.
2. Failed to comply with the allowable annual NOx and CO emissions rates for the flare, EPN FL, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH

& SAFETY CODE § 382.085(b), Air Permit No. 5252, Special Conditions No. 1, and FOP No. O1625, Special Terms and Conditions No. 15, as documented during a record review conducted from July 16 to 25, 2012. Specifically, the Respondent exceeded the allowable annual NOx emissions rate of 1.06 tons per year and CO emissions rate of 7.68 tons per year based on a rolling 12-month period from February 2011 to January 2012, resulting in the unauthorized release of 2.16 tons of NOx and 13.74 tons of CO.

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: Styrolution America LLC, Docket No. 2012-1839-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for TCEQ Air Permit No. 5252 within 30 days after the date of such requests, or by any other deadline specified in writing;
 - b. Within 180 days after the effective date of this Agreed Order, submit written certification to demonstrate that a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained as described below in Ordering Provision No. 2.c.; and
 - c. Within 210 days after the effective date of this Agreed Order, submit certification demonstrating compliance with the limits for PM10 for EPN 301B, VOC for EPN 301A, and NOx and CO for EPN FL as described below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

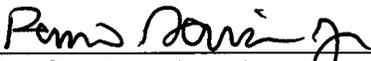
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/7/13

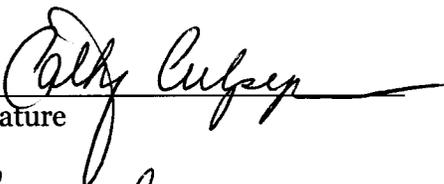
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

3/19/13

Date

CATHY CULPEPPER

Name (Printed or typed)
Authorized Representative of
Styrolution America LLC

SITE DIRECTOR - GULF COAST

Title

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