

**Executive Summary – Enforcement Matter – Case No. 46036
Huntsman Petrochemical LLC
RN100219252
Docket No. 2013-0150-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 Nos. 2012-1361-AIR-E and
2012-0135-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 14, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,126

Amount Deferred for Expedited Settlement: \$2,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,251

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,250

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Huntsman Petrochemical LLC
RN100219252
Docket No. 2013-0150-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 8, 2012 and November 13, 2012

Date(s) of NOE(s): December 11, 2012 and January 3, 2013

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 181.91 pounds of volatile organic compounds ("VOC") from the South Flare, Emissions Point Number ("EPN") UER037, during an avoidable emissions event (Incident No. 171185) that began on July 18, 2012 and lasted seven hours. The event occurred while the depropanizer tower was in a temporary operating condition in an effort to bypass and repair exchanger E-A3-34, which resulted in flaring of the depropanizer tower bottoms. Since this event could have been avoided by better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Federal Operating Permit ("FOP") No. O2288, Special Terms and Conditions ("STC") No. 19, New Source Review ("NSR") Permit No. 19823, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the permitted emissions rate of 14.68 pounds per hour ("lbs/hr") of VOC, as reported in the semi-annual deviation report for the period of August 19, 2011 through February 18, 2012. Specifically, the VOC emissions rate from the pressure swing adsorber skid, EPN PSASKID, was reported to be 44.8 lbs/hr for one hour and 15 minutes on December 22, 2011 and 114.48 lbs/hr for 27 hours and 33 minutes beginning on January 13, 2012. Total unauthorized VOC emissions were 2,787.14 lbs [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), FOP No. O1320, STC No. 15, NSR Permit No. 5972A, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On December 22, 2011, flushed out the knockout pot with water;
- b. On January 12, 2012, repaired the input module and placed the pressure swing adsorber skid back into a four-bed operation; and
- c. By July 30, 2012, replaced the bundle on exchanger E-A3-34 with stainless metallurgy, repaired heat tracing on the depropanizer cell to ensure correct

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Huntsman Petrochemical LLC
RN100219252
Docket No. 2013-0150-AIR-E

measurement and revised procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 171185.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment 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: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; 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 J. Kemp, Director of Manufacturing, Huntsman Petrochemical LLC, 2701 Spur 136, Port Neches, Texas 77651

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-0150-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Huntsman Petrochemical LLC

Penalty Amount: Ten Thousand Five Hundred One Dollars
(\$10,501)

SEP Amount: Five Thousand Two Hundred Fifty Dollars
(\$5,250)

Type of SEP: Contribution to a Third-Party Pre-Approved
SEP

Third-Party Recipient: Southeast Texas Regional Planning Commission
- Southeast Texas Regional Air Monitoring
Network Ambient Air Monitoring Station

Location of SEP: Jefferson County

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

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

Huntsman Petrochemical LLC
Agreed Order - Attachment A

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to

Huntsman Petrochemical LLC
Agreed Order - Attachment A

TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, 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 of Transportation & 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 No. 3

Huntsman Petrochemical LLC
Agreed Order - Attachment A

above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	7-Jan-2013	Screening	17-Jan-2013	EPA Due	24-Sep-2013
	PCW	1-Mar-2013				

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

CASE INFORMATION			
Enf./Case ID No.	46036	No. of Violations	2
Docket No.	2013-0150-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$7,500
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Notes	Enhancement for three NOV with same/similar violations, one NOV with dissimilar violations, 13 orders with denial of liability, and four orders without denial of liability. Reduction for five Notices of Intent to conduct audits and four Disclosures of Violations submitted.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,874
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$4	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,126
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		
	Final Penalty Amount	\$13,126

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,126
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,625
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$10,501
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Screening Date 17-Jan-2013

Docket No. 2013-0150-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 3 (September 2011)

Case ID No. 46036

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

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>)	13	260%
	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	4	100%
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>)	5	-5%
	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%

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) 364%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory 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, 13 orders with denial of liability, and four orders without denial of liability. Reduction for five Notices of Intent to conduct audits and four Disclosures of Violations submitted.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 364%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 17-Jan-2013

Docket No. 2013-0150-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 3 (September 2011)

Case ID No. 46036

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

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. O2288, Special Terms and Conditions ("STC") No. 19, New Source Review ("NSR") Permit No. 19823, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 181.91 pounds of volatile organic compounds ("VOC") from the South Flare, Emissions Point Number ("EPN") UER037, during an avoidable emissions event (Incident No. 171185) that began on July 18, 2012 and lasted seven hours. The event occurred while the depropanizer tower was in a temporary operating condition in an effort to bypass and repair exchanger E-A3-34, which resulted in flaring of the depropanizer tower bottoms. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
					0.0%

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 1 Number of violation days 1

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

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective measures by July 30, 2012, prior to the January 3, 2013 Notice of Enforcement.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 46036
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
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	\$1,500	18-Jul-2012	30-Jul-2012	0.03	\$0	\$3	\$3
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	18-Jul-2012	30-Jul-2012	0.03	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to replace the bundle on exchanger E-A3-34 with stainless metallurgy, repair heat tracing on the depropanizer cell to ensure correct measurement and revise procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 171185. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

TOTAL \$4

Screening Date 17-Jan-2013

Docket No. 2013-0150-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 3 (September 2011)

Case ID No. 46036

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), FOP No. O1320, STC No. 15, NSR Permit No. 5972A, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted emissions rate of 14.68 pounds per hour ("lbs/hr") of VOC, as reported in the semi-annual deviation report for the period of August 19, 2011 through February 18, 2012. Specifically, the VOC emissions rate from the pressure swing adsorber skid, EPN PSASKID, was reported to be 44.8 lbs/hr for one hour and 15 minutes on December 22, 2011 and 114.48 lbs/hr for 27 hours and 33 minutes beginning on January 12, 2012. Total unauthorized VOC emissions were 2,787.14 lbs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which 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 1

3 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended for the period of non-compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective measures on January 13, 2012, prior to the January 3, 2013 Notice of Enforcement.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 46036
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	22-Dec-2011	22-Dec-2011	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)	\$500	13-Jan-2012	12-Jan-2012	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to flush out the knockout pot with water and estimated cost to repair the input module and place the pressure swing adsorber skid back into a four-bed operation. The Dates Required are the dates of the emissions exceedances. The Final Dates are the dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$0



Compliance History Report

PUBLISHED Compliance History Report for CN603839317, RN100219252, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN603839317, Huntsman Petrochemical LLC	Classification: SATISFACTORY	Rating: 2.24
Regulated Entity:	RN100219252, HUNTSMAN PORT NECHES	Classification: SATISFACTORY	Rating: 1.71
Complexity Points:	39	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	6001 HIGHWAY 366 PORT NECHES, TX 77651-6304, JEFFERSON COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0052V
AIR OPERATING PERMITS PERMIT 2286
AIR OPERATING PERMITS PERMIT 2288
POLLUTION PREVENTION PLANNING ID NUMBER P00679
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 79935
AIR NEW SOURCE PERMITS PERMIT 29516
AIR NEW SOURCE PERMITS REGISTRATION 52715
AIR NEW SOURCE PERMITS REGISTRATION 54565
AIR NEW SOURCE PERMITS REGISTRATION 44434
AIR NEW SOURCE PERMITS REGISTRATION 45094
AIR NEW SOURCE PERMITS REGISTRATION 46791
AIR NEW SOURCE PERMITS REGISTRATION 47066
AIR NEW SOURCE PERMITS REGISTRATION 47577
AIR NEW SOURCE PERMITS REGISTRATION 48178
AIR NEW SOURCE PERMITS PERMIT 49247
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0052V
AIR NEW SOURCE PERMITS PERMIT 5807A
AIR NEW SOURCE PERMITS PERMIT 5972A
AIR NEW SOURCE PERMITS PERMIT 16909
AIR NEW SOURCE PERMITS PERMIT 20134
AIR NEW SOURCE PERMITS REGISTRATION 23568
AIR NEW SOURCE PERMITS PERMIT 36646
AIR NEW SOURCE PERMITS REGISTRATION 39725
AIR NEW SOURCE PERMITS REGISTRATION 40527
AIR NEW SOURCE PERMITS REGISTRATION 41301
AIR NEW SOURCE PERMITS REGISTRATION 42103
AIR NEW SOURCE PERMITS REGISTRATION 42154
AIR NEW SOURCE PERMITS REGISTRATION 75597
AIR NEW SOURCE PERMITS REGISTRATION 75748
AIR NEW SOURCE PERMITS REGISTRATION 55753
AIR NEW SOURCE PERMITS REGISTRATION 56737
AIR NEW SOURCE PERMITS REGISTRATION 56243
AIR NEW SOURCE PERMITS REGISTRATION 70781
AIR NEW SOURCE PERMITS REGISTRATION 70726
AIR NEW SOURCE PERMITS REGISTRATION 56077
AIR NEW SOURCE PERMITS REGISTRATION 70011
AIR NEW SOURCE PERMITS REGISTRATION 53979
AIR NEW SOURCE PERMITS REGISTRATION 54231
AIR NEW SOURCE PERMITS REGISTRATION 54234
AIR NEW SOURCE PERMITS REGISTRATION 52077

AIR OPERATING PERMITS PERMIT 1320
AIR OPERATING PERMITS PERMIT 2287
AIR OPERATING PERMITS PERMIT 3056
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 40711
AIR NEW SOURCE PERMITS AFS NUM 4824500006
AIR NEW SOURCE PERMITS REGISTRATION 51736
AIR NEW SOURCE PERMITS REGISTRATION 54551
AIR NEW SOURCE PERMITS REGISTRATION 44034
AIR NEW SOURCE PERMITS REGISTRATION 45090
AIR NEW SOURCE PERMITS REGISTRATION 45277
AIR NEW SOURCE PERMITS REGISTRATION 47065
AIR NEW SOURCE PERMITS REGISTRATION 47555
AIR NEW SOURCE PERMITS REGISTRATION 47887
AIR NEW SOURCE PERMITS REGISTRATION 48176
AIR NEW SOURCE PERMITS REGISTRATION 49493
AIR NEW SOURCE PERMITS PERMIT 647B
AIR NEW SOURCE PERMITS PERMIT 5952A
AIR NEW SOURCE PERMITS PERMIT 7761
AIR NEW SOURCE PERMITS PERMIT 19823
AIR NEW SOURCE PERMITS PERMIT 20160
AIR NEW SOURCE PERMITS REGISTRATION 31443
AIR NEW SOURCE PERMITS REGISTRATION 36453
AIR NEW SOURCE PERMITS REGISTRATION 40103
AIR NEW SOURCE PERMITS REGISTRATION 41444
AIR NEW SOURCE PERMITS REGISTRATION 41757
AIR NEW SOURCE PERMITS REGISTRATION 42153
AIR NEW SOURCE PERMITS REGISTRATION 75754
AIR NEW SOURCE PERMITS REGISTRATION 76018
AIR NEW SOURCE PERMITS PERMIT 83816
AIR NEW SOURCE PERMITS REGISTRATION 70024
AIR NEW SOURCE PERMITS PERMIT 56390
AIR NEW SOURCE PERMITS REGISTRATION 70571
AIR NEW SOURCE PERMITS REGISTRATION 71506
AIR NEW SOURCE PERMITS REGISTRATION 53551
AIR NEW SOURCE PERMITS REGISTRATION 56073
AIR NEW SOURCE PERMITS REGISTRATION 54219
AIR NEW SOURCE PERMITS REGISTRATION 72310
AIR NEW SOURCE PERMITS REGISTRATION 54570
AIR NEW SOURCE PERMITS REGISTRATION 71751
AIR NEW SOURCE PERMITS REGISTRATION 50360

AIR NEW SOURCE PERMITS REGISTRATION 73927
 AIR NEW SOURCE PERMITS REGISTRATION 73663
 AIR NEW SOURCE PERMITS REGISTRATION 73956
 AIR NEW SOURCE PERMITS REGISTRATION 74362
 AIR NEW SOURCE PERMITS REGISTRATION 74838
 AIR NEW SOURCE PERMITS REGISTRATION 75202
 AIR NEW SOURCE PERMITS REGISTRATION 76732
 AIR NEW SOURCE PERMITS REGISTRATION 77327
 AIR NEW SOURCE PERMITS REGISTRATION 78974
 AIR NEW SOURCE PERMITS REGISTRATION 79529
 AIR NEW SOURCE PERMITS REGISTRATION 80390
 AIR NEW SOURCE PERMITS REGISTRATION 80702
 AIR NEW SOURCE PERMITS REGISTRATION 81415
 AIR NEW SOURCE PERMITS REGISTRATION 82488
 AIR NEW SOURCE PERMITS REGISTRATION 82922
 AIR NEW SOURCE PERMITS REGISTRATION 84374
 AIR NEW SOURCE PERMITS REGISTRATION 91161
 AIR NEW SOURCE PERMITS REGISTRATION 87062
 AIR NEW SOURCE PERMITS REGISTRATION 92256
 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX780
 AIR NEW SOURCE PERMITS REGISTRATION 91725
 AIR NEW SOURCE PERMITS REGISTRATION 94579
 AIR NEW SOURCE PERMITS REGISTRATION 99426
 AIR NEW SOURCE PERMITS REGISTRATION 105794
 AIR NEW SOURCE PERMITS PERMIT 106169
 AIR NEW SOURCE PERMITS REGISTRATION 104976
 INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50363

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
 TXD008076846
 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
 (SWR) 30029

AIR NEW SOURCE PERMITS REGISTRATION 73665
 AIR NEW SOURCE PERMITS REGISTRATION 72907
 AIR NEW SOURCE PERMITS REGISTRATION 74236
 AIR NEW SOURCE PERMITS REGISTRATION 74296
 AIR NEW SOURCE PERMITS REGISTRATION 75203
 AIR NEW SOURCE PERMITS REGISTRATION 74849
 AIR NEW SOURCE PERMITS REGISTRATION 77129
 AIR NEW SOURCE PERMITS REGISTRATION 79296
 AIR NEW SOURCE PERMITS REGISTRATION 79800
 AIR NEW SOURCE PERMITS REGISTRATION 80149
 AIR NEW SOURCE PERMITS REGISTRATION 79939
 AIR NEW SOURCE PERMITS REGISTRATION 81531
 AIR NEW SOURCE PERMITS REGISTRATION 83113
 AIR NEW SOURCE PERMITS REGISTRATION 84694
 AIR NEW SOURCE PERMITS REGISTRATION 84519
 AIR NEW SOURCE PERMITS REGISTRATION 84617
 AIR NEW SOURCE PERMITS REGISTRATION 87829
 AIR NEW SOURCE PERMITS REGISTRATION 88268
 AIR NEW SOURCE PERMITS REGISTRATION 91597
 AIR NEW SOURCE PERMITS REGISTRATION 91994
 AIR NEW SOURCE PERMITS REGISTRATION 93667
 AIR NEW SOURCE PERMITS REGISTRATION 94912
 AIR NEW SOURCE PERMITS REGISTRATION 101768
 AIR NEW SOURCE PERMITS REGISTRATION 104814
 AIR NEW SOURCE PERMITS REGISTRATION 104816
 INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50055
 INDUSTRIAL AND HAZARDOUS WASTE EPA ID
 TX0000201202
 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
 REGISTRATION # (SWR) 30029
 AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0052V

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012
Date Compliance History Report Prepared: December 20, 2012
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: December 20, 2007 to December 20, 2012

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

Name: Jessica Schildwachter **Phone:** (512) 239-2617

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 01/28/2008 ADMINORDER 2007-0989-AIR-E (1660 Order-Agreed Order With Denial)
 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)

Published Compliance History Report for CN603839317, RN100219252, Rating Year 2012 which includes Compliance History (CH) components from December 20, 2007, through December 20, 2012.

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.

2 Effective Date: 04/14/2008 ADMINORDER 2007-0581-MLM-E (1660 Order-Agreed Order With Denial)

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.

3 Effective Date: 08/15/2008 ADMINORDER 2007-2006-AIR-E (Findings Order-Agreed Order Without Denial)

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

4 Effective Date: 01/30/2009 ADMINORDER 2008-0664-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: 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).

5 Effective Date: 05/03/2009 ADMINORDER 2008-1586-AIR-E (1660 Order-Agreed Order With Denial)

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

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

- 6 Effective Date: 08/23/2009 ADMINORDER 2009-0330-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 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.
- 7 Effective Date: 08/31/2009 ADMINORDER 2009-0041-AIR-E (Findings Order-Agreed Order Without 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 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.
- 8 Effective Date: 03/20/2010 ADMINORDER 2009-0894-AIR-E (1660 Order-Agreed Order With Denial)
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.

9 Effective Date: 10/25/2010 ADMINORDER 2010-0315-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 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.

10 Effective Date: 05/08/2011 ADMINORDER 2010-1661-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
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.

11 Effective Date: 07/02/2011 ADMINORDER 2010-1422-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 16 OP
Special Condition 26 PERMIT

Description: Failure to prevent unauthorized emissions.

12 Effective Date: 07/31/2011 ADMINORDER 2010-1929-AIR-E (Findings Order-Agreed Order Without 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 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.

13 Effective Date: 08/13/2011 ADMINORDER 2010-2023-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 Terms and Conditions 15 OP

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

14 Effective Date: 08/27/2011 ADMINORDER 2011-0358-AIR-E (1660 Order-Agreed Order With Denial)

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.

15 Effective Date: 04/05/2012 ADMINORDER 2011-0918-AIR-E (1660 Order-Agreed Order With Denial)

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.

16 Effective Date: 06/22/2012 ADMINORDER 2011-2099-AIR-E (Findings Order-Agreed Order Without Denial)

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.

17 Effective Date: 11/22/2012 ADMINORDER 2012-0738-AIR-E (1660 Order-Agreed Order With Denial)

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 17 OP

Description: Failed to prevent unauthorized emissions during an event on November 17, 2011 (Incident No. 161901). Specifically, the Respondent released 858 pounds ("lbs") of volatile organic compounds, 782 lbs of carbon monoxide, and 108 lbs of nitrogen oxides from the PO/MTBE Ground Flare (Emission Point No. POFLARE) during the five hour event. The event occurred due to excess suction on the second stage drum during manual operation.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 13, 2008	(613058)
Item 2	February 29, 2008	(614644)
Item 3	May 05, 2008	(656845)
Item 4	May 08, 2008	(617644)
Item 5	May 16, 2008	(654879)
Item 6	August 02, 2008	(684777)
Item 7	August 25, 2008	(683718)
Item 8	September 07, 2008	(686333)
Item 9	September 10, 2008	(702254)
Item 10	February 04, 2009	(721964)
Item 11	February 06, 2009	(726384)
Item 12	February 19, 2009	(722904)
Item 13	March 24, 2009	(736194)
Item 14	April 06, 2009	(738233)
Item 15	April 13, 2009	(740940)
Item 16	April 16, 2009	(742311)
Item 17	May 14, 2009	(742399)
Item 18	May 28, 2009	(742481)
Item 19	June 15, 2009	(744204)
Item 20	June 18, 2009	(745143)
Item 21	June 19, 2009	(745129)
Item 22	June 24, 2009	(737641)
Item 23	July 23, 2009	(759198)
Item 24	July 30, 2009	(761289)
Item 25	October 05, 2009	(766171)
Item 26	October 26, 2009	(776644)
Item 27	November 11, 2009	(780519)
Item 28	November 18, 2009	(781053)
Item 29	December 23, 2009	(785418)
Item 30	February 22, 2010	(791210)
Item 31	April 12, 2010	(794773)
Item 32	April 14, 2010	(799094)
Item 33	May 02, 2010	(794617)
Item 34	May 30, 2010	(801934)
Item 35	August 02, 2010	(828972)
Item 36	August 25, 2010	(850335)
Item 37	November 29, 2010	(879181)
Item 38	January 25, 2011	(891899)
Item 39	January 28, 2011	(892195)
Item 40	February 01, 2011	(884523)
Item 41	February 03, 2011	(893455)
Item 42	February 12, 2011	(895129)
Item 43	February 22, 2011	(899501)
Item 44	February 23, 2011	(895953)
Item 45	February 28, 2011	(899688)
Item 46	March 18, 2011	(900956)
Item 47	March 25, 2011	(905772)
Item 48	May 25, 2011	(908478)
Item 49	August 17, 2011	(948414)
Item 50	August 22, 2011	(948636)
Item 51	August 29, 2011	(950753)
Item 52	September 12, 2011	(951989)
Item 53	October 12, 2011	(956048)
Item 54	November 28, 2011	(969262)
Item 55	November 29, 2011	(968958)
Item 56	November 30, 2011	(968943)

Item 57	December 21, 2011	(969888)
Item 58	January 17, 2012	(974631)
Item 59	January 20, 2012	(970238)
Item 60	February 20, 2012	(977333)
Item 61	May 08, 2012	(1002079)
Item 62	May 14, 2012	(1001410)
Item 63	May 16, 2012	(1003201)
Item 64	May 17, 2012	(1003097)
Item 65	July 10, 2012	(1015867)
Item 66	July 17, 2012	(1020445)
Item 67	August 09, 2012	(1009676)
Item 68	October 10, 2012	(1035958)
Item 69	November 15, 2012	(1037258)
Item 70	November 26, 2012	(1037760)
Item 71	November 27, 2012	(1037761)
Item 72	December 13, 2012	(1046458)

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:	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.		
2	Date:	08/07/2012	(1013771)	CN603839317
	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) SPECIAL CONDITION 1 PERMIT SPECIAL CONDITION 17 OP		
	Description:	Failure to maintain an emission rate below the allowable emission limit.		
	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 11(A)(4) PERMIT SPECIAL CONDITION 17 OP SPECIAL CONDITION 4(B)(ii) PERMIT		

Description: Failure to maintain an emission rate below the allowable emission limit.
 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 Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 14(E) PERMIT
 SPECIAL CONDITION 17 OP
 Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in Volatile Organic Compound (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 17 OP
 SPECIAL CONDITION 6(C)(iii) PERMIT
 Description: Failure to conduct weekly testing as required.

3 Date: 10/01/2012 (1015489)
 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)
 Provision II.C.1.I. PERMIT
 Provision II.C.2.A. PERMIT
 Description: Failure to properly maintain the Hazardous Waste Tanks F-F5-167 and F-F5-168 secondary containment liner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(a)
 Provision V.A.I. PERMIT
 Description: Failure to properly identify authorized facility units as indicated in the Permit for Industrial Solid Waste Management Site.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
 Description: Failure to include inspector name, time of inspection, and/or observations made or remedial actions taken on Process Liquid Fuel Weekly and Utilities Area Daily Inspections.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(10)
 Provision V.I.7. PERMIT
 Description: Failure to maintain records of operability status of the automatic waste feed cut-off valve on the Automatic Waste Feed Cut-Off and Alarm Test Log Sheets.

4 Date: 12/11/2012 (1044071) 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 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 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)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 1(A) OP
 SPECIAL CONDITION 13 PERMIT
 SPECIAL CONDITION 15 OP
 SPECIAL CONDITION 21(E) PERMIT
 Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in Volatile Organic Compound (VOC) service.

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 in 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) in 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**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2013-0150-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 December 16, 2012 and January 8, 2013.
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 Thirteen Thousand One Hundred Twenty-Six Dollars (\$13,126) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Two Hundred Fifty-

- One Dollars (\$5,251) of the administrative penalty and Two Thousand Six Hundred Twenty-Five Dollars (\$2,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Two Hundred Fifty Dollars (\$5,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On December 22, 2011, flushed out the knockout pot with water;
 - b. On January 13, 2012, repaired the input module and placed the pressure swing adsorber skid back into a four-bed operation; and
 - c. By July 30, 2012, replaced the bundle on exchanger E-A3-34 with stainless metallurgy, repaired heat tracing on the depropanizer cell to ensure correct measurement and revised procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 171185.
 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 prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Federal Operating Permit ("FOP") No. O2288, Special Terms and Conditions ("STC") No. 19, New Source Review ("NSR")

Permit No. 19823, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 8, 2012. Specifically, the Respondent released 181.91 pounds of volatile organic compounds ("VOC") from the South Flare, Emissions Point Number ("EPN") UERO37, during an avoidable emissions event (Incident No. 171185) that began on July 18, 2012 and lasted seven hours. The event occurred while the depropanizer tower was in a temporary operating condition in an effort to bypass and repair exchanger E-A3-34, which resulted in flaring of the depropanizer tower bottoms. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to comply with the permitted emissions rate of 14.68 pounds per hour ("lbs/hr") of VOC, as reported in the semi-annual deviation report for the period of August 19, 2011 through February 18, 2012, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), FOP No. O1320, STC No. 15, NSR Permit No. 5972A, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 13, 2012. Specifically, the VOC emissions rate from the pressure swing adsorber skid, EPN PSASKID, was reported to be 44.8 lbs/hr for one hour and 15 minutes on December 22, 2011 and 114.48 lbs/hr for 27 hours and 33 minutes beginning on January 12, 2012. Total unauthorized VOC emissions were 2,787.14 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. 2013-0150-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Two Hundred Fifty Dollars (\$5,250) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally

- offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. 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

Pam Dawid
For the Executive Director

7/1/13
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

4/8/13
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, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-0150-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Huntsman Petrochemical LLC

Penalty Amount: Ten Thousand Five Hundred One Dollars
(\$10,501)

SEP Amount: Five Thousand Two Hundred Fifty Dollars
(\$5,250)

Type of SEP: Contribution to a Third-Party Pre-Approved
SEP

Third-Party Recipient: Southeast Texas Regional Planning Commission
- Southeast Texas Regional Air Monitoring
Network Ambient Air Monitoring Station

Location of SEP: Jefferson County

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

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

Huntsman Petrochemical LLC
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8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to

Huntsman Petrochemical LLC
Agreed Order - Attachment A

TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, 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 of Transportation & 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 No. 3

Huntsman Petrochemical LLC
Agreed Order - Attachment A

above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 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.