

**Executive Summary – Enforcement Matter – Case No. 46397**  
**Equistar Chemicals, LP**  
**RN100221662**  
**Docket No. 2013-0504-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Equistar Corpus Christi Plant, at 1501 McKinzie Road, Corpus Christi, Nueces County

**Type of Operation:**

Industrial organic chemicals manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 26, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$15,000

**Amount Deferred for Expedited Settlement:** \$3,000

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

**Total Paid to General Revenue:** \$6,000

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

Payment Plan: N/A

**SEP Conditional Offset:** \$6,000

Name of SEP: Texas A&M University - Corpus Christi

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46397**

**Equistar Chemicals, LP**

**RN100221662**

**Docket No. 2013-0504-AIR-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** November 8, 2012 through December 7, 2012

**Date(s) of NOE(s):** January 23, 2013

***Violation Information***

Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that occurred on July 19, 2012 and lasted 18 hours and 30 minutes (Incident No. 171291), Respondent released 7,468.46 pounds ("lbs") of carbon monoxide, 1,382.29 lbs of nitrogen oxides, 6,929 lbs of ethylene gas and other contaminants with 100% opacity from the Olefins Unit, Cold Flare Emission Point Number 11. This emissions event occurred due to an electronic control system failure causing an upset in a unit and subsequent flaring. Since this event was avoidable due to operator error, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit Nos. 4682B and PSDTX761M2, General Conditions No. 8 and Special Conditions No. 23].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
  - a. Within 30 days, implement measures designed to prevent recurrences of emissions events due to similar causes as Incident No. 171291; and
  - b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision 2.a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 46397**

**Equistar Chemicals, LP**

**RN100221662**

**Docket No. 2013-0504-AIR-E**

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

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Rajesh Acharya, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-0577; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565

**Respondent:** Randal Tatum, Site Manager, Equistar Chemicals, LP, 1501 McKinzie  
Road, Corpus Christi, Texas 78410

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2013-0504-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Equistar Chemicals, LP  
**Penalty Amount:** Twelve Thousand Dollars (\$12,000)  
**SEP Offset Amount:** Six Thousand Dollars (\$6,000)  
**Type of SEP:** Contribution to a Third-Party Pre-Approved SEP  
**Third-Party Recipient:** Texas A&M University-Corpus Christi  
**Project Name:** Texas A&M University AutoCheck Program  
**Location of SEP:** Nueces and San Patricio Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 *Texas A&M University-Corpus Christi* for the *Texas A&M University-Corpus Christi AutoCheck Program SEP* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically the SEP Offset Amount shall be used to only pay for the repair vouchers, equipment maintenance, mobile emission source inventory, and a program operator. The operator shall only work on the AutoCheck Program. The Project involves a remote sensing system that detects polluting vehicles as they drive past the system. Motorists are informed if their vehicles are polluting via a large electronic sign. When a vehicle is found to have high exhaust emissions, the owner is given a voucher to take the vehicle for a checkup at one of the program's certified auto shops. The vehicle owner may choose the approved auto shop from a list composed by the Third-Party Recipient. Mechanics at the auto shop thoroughly check the vehicle and determine the problem. The mechanic reports the problem to the Third-Party Administrator who authorizes the recommended repairs. Once the vehicle is repaired, a post-repair test is conducted to document the reduction in emissions. These activities are performed at no cost to the owner of the vehicle. Pre- and post- emissions tests are performed and tracked and the service stations are reimbursed for their expenses.

Equistar Chemicals, LP  
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a direct reduction in air emissions from vehicles in the Corpus Christi Urban Air Shed. This direct area includes Nueces County and part of San Patricio County.

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 shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Texas A&M University - Corpus Christi  
Pollution Prevention Partnership  
Attention: Christina Cisneros-Guzman, Director  
6300 Ocean Drive, NRC #2200  
Corpus Christi, Texas 78412

**3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
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 Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall mail it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned PCW</b>	28-Jan-2013 7-Mar-2013	<b>Screening</b>	7-Mar-2013	<b>EPA Due</b>	6-Oct-2013
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Equistar Chemicals, LP	
<b>Reg. Ent. Ref. No.</b>	RN100221662	
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b> Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	46397	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2013-0504-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rajesh Acharya	
		<b>EC's Team</b>	Enforcement Team 4	
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

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

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

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

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,500**

Notes: Enhancement for six agreed orders with denial of liability, one non-adjudicated final court judgment with denial of liability, and one NOV with a dissimilar violation. Reduction for eight Notices of Intent to conduct audits and six Disclosure of Violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts \$88  
Approx. Cost of Compliance \$1,500  
\*Capped at the Total EB \$ Amount

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

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

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

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

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

Notes

Deferral offered for expedited settlement.

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

**Screening Date** 7-Mar-2013

**Docket No.** 2013-0504-AIR-E

**PCW**

**Respondent** Equistar Chemicals, LP

Policy Revision 3 (September 2011)

**Case ID No.** 46397

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100221662

**Media [Statute]** Air

**Enf. Coordinator** Rajesh Acharya

### 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> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	8	-8%
	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> )	6	-12%

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)** 132%

>> **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 six agreed orders with denial of liability, one non-adjudicated final court judgment with denial of liability, and one NOV with a dissimilar violation. Reduction for eight Notices of Intent to conduct audits and six Disclosure of Violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 132%

>> **Final Compliance History Adjustment**

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

Screening Date 7-Mar-2013

Docket No. 2013-0504-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 3 (September 2011)

Case ID No. 46397

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221662

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit Nos. 4682B and PSDTX761M2, General Conditions No. 8 and Special Conditions No. 23

Violation Description

Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that occurred on July 19, 2012 and lasted 18 hours and 30 minutes (Incident No. 171291), the Respondent released 7,468.46 pounds ("lbs") of carbon monoxide, 1,382.29 lbs of nitrogen oxides, 6,929 lbs of ethylene gas and other contaminants with 100% opacity from the Olefins Unit, Cold Flare Emission Point Number 11. This emissions event occurred due to an electronic control system failure causing an upset in a unit and subsequent flaring. Since this event was avoidable due to operator error, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$88

Violation Final Penalty Total \$15,000

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

# Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 46397  
**Reg. Ent. Reference No.** RN100221662  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	19-Jul-2012	19-Sep-2013	1.17	\$88	n/a	\$88
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure that the proper procedures are followed to prevent recurrence of emissions events due to the same causes as Incident No. 171291. Date Required is the date of the emissions event. Final Date is the estimated 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	\$1,500	<b>TOTAL</b>	\$88
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# Compliance History Report

**PUBLISHED** Compliance History Report for CN600124705, RN100221662, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600124705, Equistar Chemicals, LP	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 13.77
<b>Regulated Entity:</b>	RN100221662, EQUISTAR CORPUS CHRISTI PLANT	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 15.13
<b>Complexity Points:</b>	24	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	1501 MCKINZIE RD CORPUS CHRISTI, TX 78410-9706, NUECES COUNTY		
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI		

**ID Number(s):**

- |   |  |
|---|--|
| <b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER NE0051B       | <b>AIR OPERATING PERMITS</b> PERMIT 1486                                     |
| <b>WASTEWATER</b> PERMIT WQ0002075000                     | <b>WASTEWATER</b> EPA ID TX0076996   |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 4682B                | <b>AIR NEW SOURCE PERMITS</b> PERMIT 6745B                                   |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 10664A         | <b>AIR NEW SOURCE PERMITS</b> PERMIT 18358                                   |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 26401          | <b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER NE0051B                         |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 51781          | <b>AIR NEW SOURCE PERMITS</b> AFS NUM 4835500089                             |
| <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX761         | <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX732                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 78877          | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 84759                             |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 83864                | <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX1120                           |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 88973          | <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX732M2                          |
| <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX732M1       | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 85148                             |
| <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX761M2       | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 95855                             |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 101862         | <b>AIR NEW SOURCE PERMITS</b> EPA ID PSDTX761M3                              |
| <b>UNDERGROUND INJECTION CONTROL</b> PERMIT WDW152        | <b>UNDERGROUND INJECTION CONTROL</b> PERMIT WDW153                           |
| <b>STORMWATER</b> PERMIT TXR05L891                        | <b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 31685          |
| <b>WASTE WATER GENERAL PERMIT</b> PERMIT TXG670182        | <b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER NE0051B                        |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD000836445 | <b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 31685 |
| <b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00500     | <b>PUBLIC WATER SYSTEM/SUPPLY</b> REGISTRATION 1780061                       |

<b>Compliance History Period:</b>	September 01, 2007 to August 31, 2012	<b>Rating Year:</b>	2012	<b>Rating Date:</b>	09/01/2012
<b>Date Compliance History Report Prepared:</b>	March 06, 2013				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	March 06, 2008 to March 06, 2013				

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

**Name:** Rajesh Acharya **Phone:** (512) 239-0577

**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: 10/01/2008 COURTORDER (Final Judgement-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
Rqmt Prov: General Condition PA  
Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and gain an affirmative defense for emissions that were released from the Corpus Christi Plant during three separate emissions events (TCEQ incidents 38959, 39011 and 39040) which occurred on or about May 2 and 4, 2004.
- 2 Effective Date: 10/23/2008 ADMINORDER 2008-0591-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 4682B, General Conditions OP  
Special Condition No. 27(C) OP  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,535.50 pounds ("lbs") of carbon monoxide, 634.78 lbs of nitrogen oxides, 2,554.69 lbs of volatile organic compounds and 102.72 lbs of the Hazardous Air Pollutant benzene from the Olefins Unit during an avoidable emissions event that began December 13, 2007 and lasted seven hours and 44 minutes. Furthermore, as a result of the event, visible emissions exceeded five minutes during a consecutive two hour period.
- 3 Effective Date: 04/25/2010 ADMINORDER 2008-1350-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Permit No. 4682B, Gen. Conditions PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent did not follow Procedure 9.136 for commissioning and decommissioning J-2009-A/B Benzene pumps. An operator failed to closed the condensate valve, resulting in the release of 25.77 pounds ("lbs") of the hazardous air pollutant benzene from the deaerator during and avoidable emissions event (Incident No. 106104) that began December 30, 2007 and lasted seven hours and 38 minutes.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to submit an initial notification for Incident No. 106104 within 24 hours of the discovery of the event.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: general conditions PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, a contracted vender failed to utilize a vacuum breaker in their equipment setup and inadvertently pulled 30 gallons of pyrolysis gasoline onto the floating roof of the tank resulting in the release of 84.88 lbs VOCs from the Gasoline Pyrolysis Storage Tank (EPN 19) during and avoidable emissions event (Incident No. 106441) that began April 15, 2008 and lasted 23 hours and ten minutes.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Permit No. 4682B, Gen. Conditions PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent incorrectly installed wiring in the terminal block, which lead to an open loop condition, causing the shutdown of the Hydrogen Methanator, resulting in the release of 5,420.82 lbs of carbon monoxide, 8,500.97 lbs of the highly reactive volatile organic compound ("HRVOC") ethylene, 1,244.18 lbs of nitrogen oxide, 586.23 lbs of the HRVOC propylene and 34.23 lbs of methylacetylene propadiene from the Cold/Dry Flare
- 4 Effective Date: 07/11/2010 ADMINORDER 2010-0010-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: [FOP No. O-01486] STC 2I OP  
[NSR Permit No. 4682B/PSD-TX-761M1] GC PA  
Description: As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during Incident No. 127543.

- 5 Effective Date: 11/15/2010 ADMINORDER 2007-1469-IHW-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(a)  
 Description: Failing to provide a written tank assessment to fulfill the requirements for the design and installation of new tank and components. Specifically, the tank assessment for tank F-2301 did not include the following information: design standards according to which the tank and ancillary equipment was constructed, hazardous characteristics of the waste to be handled, or a determination by a corrosion expert for the tank system. Also, a written tank assessment was not provided for tank F-2305.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(f)(1)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(f)(2)  
 Description: Failing to confirm the proper operation of the cathodic protection system within six months after the initial installation, and annually thereafter; and failing to ensure that the impressed current system is being tested bimonthly. Specifically, the proper operation of the cathodic protection system for tank F-2301 was not confirmed within six months after it was initially installed and annual inspections were not being performed. Also, bimonthly testing of the impressed system had not been performed.  
 Classification: Major  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(a)(1)  
 Description: Failing to provide secondary containment for a hazardous waste tank. Specifically, secondary containment was not provided for tank F-2301
- 6 Effective Date: 08/13/2011 ADMINORDER 2010-1153-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: NSR Permit 4682B, General Condition 8 PERMIT  
 Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,700 pounds of volatile organic compounds from a process line during an emissions event (Incident No. 135464) that began on February 4, 2010 and lasted 146 hours and 45 minutes. The emissions event was the result of two leaks that developed due to excess vibration from inadequate piping size and corrosion on process lines associated to the propylene refrigerant compressor (EPN J-1702).
- 7 Effective Date: 03/18/2012 ADMINORDER 2011-1134-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: NSR Permit No. 4682B General Conditions PERMIT  
 PSD TX 761M2 General Conditions PERMIT  
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on January 6, 2011, TCEQ Incident No. 149183. Specifically, Equistar Chemicals, LP - Corpus Christi Plant released 23.00 lbs of benzene emissions to the atmosphere. The unauthorized release was the result of a corroded product line to Tank No. F-2009B that had developed a leak.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	March 10, 2008	(674895)
Item 2	March 25, 2008	(636861)
Item 3	March 31, 2008	(617000)
Item 4	April 07, 2008	(674896)
Item 5	April 21, 2008	(636550)
Item 6	May 01, 2008	(654885)
Item 7	May 28, 2008	(671717)
Item 8	June 09, 2008	(693253)
Item 9	July 17, 2008	(693254)
Item 10	September 10, 2008	(636827)

**Published** Compliance History Report for CN600124705, RN100221662, Rating Year 2012 which includes Compliance History (CH) components from March 06, 2008, through March 06, 2013.

Item 11	October 06, 2008	(714486)
Item 12	November 07, 2008	(714488)
Item 13	December 11, 2008	(730457)
Item 14	December 12, 2008	(730456)
Item 15	December 17, 2008	(721096)
Item 16	December 19, 2008	(685409)
Item 17	February 16, 2009	(725853)
Item 18	February 17, 2009	(725609)
Item 19	February 26, 2009	(736149)
Item 20	March 05, 2009	(753671)
Item 21	March 12, 2009	(738169)
Item 22	April 14, 2009	(753672)
Item 23	May 05, 2009	(771098)
Item 24	June 05, 2009	(744956)
Item 25	June 08, 2009	(771095)
Item 26	September 14, 2009	(813159)
Item 27	October 07, 2009	(813160)
Item 28	October 13, 2009	(778586)
Item 29	November 09, 2009	(813161)
Item 30	December 07, 2009	(784376)
Item 31	December 11, 2009	(782487)
Item 32	December 15, 2009	(813162)
Item 33	January 20, 2010	(788647)
Item 34	February 12, 2010	(791477)
Item 35	February 22, 2010	(790708)
Item 36	February 25, 2010	(793355)
Item 37	March 10, 2010	(833843)
Item 38	March 31, 2010	(794634)
Item 39	April 09, 2010	(833844)
Item 40	May 06, 2010	(833845)
Item 41	June 08, 2010	(847182)
Item 42	July 08, 2010	(826902)
Item 43	July 14, 2010	(861639)
Item 44	August 05, 2010	(867988)
Item 45	September 14, 2010	(874939)
Item 46	October 07, 2010	(882546)
Item 47	November 11, 2010	(888976)
Item 48	December 08, 2010	(880511)
Item 49	January 18, 2011	(903229)
Item 50	February 08, 2011	(910147)
Item 51	February 15, 2011	(895202)
Item 52	February 28, 2011	(891710)
Item 53	March 14, 2011	(917350)
Item 54	April 06, 2011	(907943)
Item 55	April 12, 2011	(928074)
Item 56	April 21, 2011	(908690)
Item 57	May 04, 2011	(939049)
Item 58	June 13, 2011	(946433)
Item 59	July 12, 2011	(953712)
Item 60	August 05, 2011	(960324)
Item 61	August 26, 2011	(935057)
Item 62	September 09, 2011	(966380)
Item 63	September 23, 2011	(952136)
Item 64	October 05, 2011	(972391)
Item 65	October 26, 2011	(963203)
Item 66	November 07, 2011	(978543)
Item 67	December 12, 2011	(985363)
Item 68	January 05, 2012	(991644)
Item 69	January 12, 2012	(975924)
Item 70	February 09, 2012	(998988)

Item 71	February 17, 2012	(982587)
Item 72	March 05, 2012	(1004510)
Item 73	April 09, 2012	(1011094)
Item 74	April 13, 2012	(997377)
Item 75	May 04, 2012	(1017450)
Item 76	May 23, 2012	(1006576)
Item 77	May 29, 2012	(1008221)
Item 78	June 06, 2012	(1025246)
Item 79	July 10, 2012	(1032589)
Item 80	August 03, 2012	(1039014)
Item 81	August 28, 2012	(1022016)
Item 82	September 13, 2012	(1047939)
Item 83	October 09, 2012	(1066284)
Item 84	November 07, 2012	(1066285)
Item 85	December 11, 2012	(1066286)
Item 86	February 18, 2013	(1057918)

**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: 08/30/2012 (1023884) CN600124705  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)  
 30 TAC Chapter 335, SubChapter R 335.513  
 Description: Equistar failed to classify an industrial solid waste generated at the facility pursuant 30 TAC 335.503(a) and 30 TAC 335.513.

**F. Environmental audits:**

Notice of Intent Date: 07/30/2007 (593607)  
 Disclosure Date: 03/20/2008  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)  
 Description: Failure to maintain a complete list of BWON wastes.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)  
 Description: Failure to maintain the TAB for the facility at less than 10 Mg/yr.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
 Description: Failure to follow all BWON control requirements applicable to facilities with TAB or 10 or more Mg/yr benzene.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357  
 Description: Failure to follow all BWON monitoring, recordkeeping, and reporting requirements applicable to facilities with TAB of 10 or more Mg/yr benzene.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
 Description: Failure to follow all BWON test methods, procedures, and compliance provisions applicable to facilities with TAB of 10 or more Mg/yr benzene.  
 Viol. Classification: Minor  
 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 maintain accurate benzene quantities of certain waste streams calculated for the TAB, including the characterization of organic phase.

Viol. Classification: Moderate

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

Description: Failure to properly flow-weight the benzene concentrations for some waste streams.

Viol. Classification: Moderate

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

Description: Failure to properly incorporate the organic phase into the characterization of some multiple-phase wastes, including: spent caustic, NESHAP System discharges, streams incorporated into "Maintenance Waste".

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.122

Description: Failure to include regulatory applicability for BWON rules for a "greater than 10 MG site" in the Title V permit.

Notice of Intent Date: 08/31/2007 (595543)

Disclosure Date: 07/02/2008

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R 335.510

30 TAC Chapter 335, SubChapter R 335.511

30 TAC Chapter 335, SubChapter C 335.62

Description: Failure to maintain and update the required information to document solid and hazardous waste determinations.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R 335.513

Description: Failure to send complete waste stream characterization documentation with waste sent to on-site impoundments (landfill and BDU impoundment).

Notice of Intent Date: 08/31/2007 (595555)

Disclosure Date: 07/30/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Operating Permit O-1486

Description: Failure to comply with Title V Operating Permit O-1486.

Notice of Intent Date: 10/10/2007 (598770)

Disclosure Date: 09/23/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)

Description: Failure to repair equipment timely. Specifically, there were two equipment leaks that did not have a first repair attempt within 5 days and 1 equipment leak that did not have a final repair attempt within 15 days and were not on the delay of repair list.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(b)(2)

Description: Failure to fully maintain records regarding delay of repair. Specifically, 7 equipment leaks were not repaired within 15 days that did meet the requirements, and were documented as meeting the requirements, to be put on the delay of repair, since these 7 items were not put on the delay of repair list they were not addressed in the periodic reports.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)

Description: Failure to include 3 valves in the leak detection and repair program.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR Permit 4682B

PERMIT PSD Permit TX761M1

Description: Failure to properly tag 1 component in delay of repair. Specifically, the component with Tag ID 235160 was a delay of repair item that did not have leak tag attached. This component did have delay of repair tag attached but it was not dated.

Notice of Intent Date: 05/29/2008 (688494)

No DOV Associated

Notice of Intent Date: 06/17/2008 (688536)

No DOV Associated

Notice of Intent Date: 09/30/2009 (779140)

No DOV Associated

Notice of Intent Date: 06/08/2010 (749426)

Disclosure Date: 09/23/2010

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027  
Description: Failure to tag and monitor several fugitive emission components.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024  
Description: Failure to repair one valve within 15 days of leak detection.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)(3)  
Description: Failure to correctly record calibration information for several meter calibrations.

Notice of Intent Date: 07/23/2010 (843700)  
No DOV Associated

Notice of Intent Date: 02/28/2011 (905454)  
Disclosure Date: 03/21/2012  
Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)  
Description: Failure to include all streams with benzene quantity determined at point of waste generation.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4200(a)(2)(i)

Description: Failure to identify two diesel engines (air compressors AC1 and AC2) as affected facilities under the subject Subpart and Title V permit.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter E 117.3003(3)  
30 TAC Chapter 122, SubChapter B 122.132(e)

Description: Failure to identify regulatory applicability to the cogeneration unit and the Title V permit.

Notice of Intent Date: 05/03/2011 (932579)  
No DOV Associated

Notice of Intent Date: 05/25/2012 (1013810)  
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  
EQUISTAR CHEMICALS, LP  
RN100221662**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2013-0504-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an industrial organic chemicals manufacturing plant at 1501 McKinzie Road in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 28, 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 Fifteen Thousand Dollars (\$15,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Dollars (\$6,000) of the administrative penalty and Three Thousand Dollars (\$3,000) 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. Six Thousand Dollars (\$6,000) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit Nos. 4682B and PSDTX761M2, General Conditions No. 8 and Special Conditions No. 23, as documented during an investigation conducted on November 8, 2012 through December 7, 2012. Specifically, during an emissions event that occurred on July 19, 2012 and lasted 18 hours and 30 minutes (Incident No. 171291), the Respondent released 7,468.46 pounds ("lbs") of carbon monoxide, 1,382.29 lbs of nitrogen oxides, 6,929 lbs of ethylene gas and other contaminants with 100% opacity from the Olefins Unit, Cold Flare Emission Point Number 11. This emissions event occurred due to an electronic control system failure causing an upset in a unit and subsequent flaring. Since this event was avoidable due to operator error, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2013-0504-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, Six Thousand Dollars (\$6,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent recurrences of emissions events due to similar causes as Incident No. 171291; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

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

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*Penn Davis*  
For the Executive Director

8/13/13  
Date

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

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

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

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

*Randal Tatum*  
Signature

5/30/13  
Date

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

SITE MANAGER  
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: 2013-0504-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Equistar Chemicals, LP  
**Penalty Amount:** Twelve Thousand Dollars (\$12,000)  
**SEP Offset Amount:** Six Thousand Dollars (\$6,000)  
**Type of SEP:** Contribution to a Third-Party Pre-Approved SEP  
**Third-Party Recipient:** Texas A&M University-Corpus Christi  
**Project Name:** Texas A&M University AutoCheck Program  
**Location of SEP:** Nueces and San Patricio Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 *Texas A&M University-Corpus Christi* for the *Texas A&M University-Corpus Christi AutoCheck Program SEP* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically the SEP Offset Amount shall be used to only pay for the repair vouchers, equipment maintenance, mobile emission source inventory, and a program operator. The operator shall only work on the AutoCheck Program. The Project involves a remote sensing system that detects polluting vehicles as they drive past the system. Motorists are informed if their vehicles are polluting via a large electronic sign. When a vehicle is found to have high exhaust emissions, the owner is given a voucher to take the vehicle for a checkup at one of the program's certified auto shops. The vehicle owner may choose the approved auto shop from a list composed by the Third-Party Recipient. Mechanics at the auto shop thoroughly check the vehicle and determine the problem. The mechanic reports the problem to the Third-Party Administrator who authorizes the recommended repairs. Once the vehicle is repaired, a post-repair test is conducted to document the reduction in emissions. These activities are performed at no cost to the owner of the vehicle. Pre- and post- emissions tests are performed and tracked and the service stations are reimbursed for their expenses.

Equistar Chemicals, LP  
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a direct reduction in air emissions from vehicles in the Corpus Christi Urban Air Shed. This direct area includes Nueces County and part of San Patricio County.

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 shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Texas A&M University - Corpus Christi  
Pollution Prevention Partnership  
Attention: Christina Cisneros-Guzman, Director  
6300 Ocean Drive, NRC #2200  
Corpus Christi, Texas 78412

**3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
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 Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall mail it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

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