

**Executive Summary – Enforcement Matter – Case No. 48831  
Huntsman Petrochemical LLC  
RN100219252  
Docket No. 2014-0843-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: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 19, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,600

**Amount Deferred for Expedited Settlement:** \$2,720

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

**Total Paid to General Revenue:** \$5,440

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

Payment Plan: N/A

**SEP Conditional Offset:** \$5,440

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** May 6, 2014

**Date(s) of NOE(s):** May 22, 2014

**Executive Summary – Enforcement Matter – Case No. 48831  
Huntsman Petrochemical LLC  
RN100219252  
Docket No. 2014-0843-AIR-E**

***Violation Information***

1. Failed to comply with the allowable volatile organic compounds ("VOC") emissions rate for E4 Unit Storage Tank Emission Point Number ("EPN") E4TE436. Specifically, the Respondent exceeded the annual allowable VOC emissions rate of 0.04 ton per year ("tpy") based on a 12-month rolling period, for the 12-month periods ending on March 2013 through August 2013, resulting in the unauthorized release of approximately 19.8 pounds of VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2287, Special Terms and Conditions No. 9, and New Source Review Permit No. 5807A, Special Conditions No. 1].
2. Failed to report all instances of deviations. Specifically, the deviation report for the reporting period from July 20, 2013 through January 20, 2014 did not include a continuing deviation for failing to comply with the allowable annual VOC emissions rate of 0.04 tpy for E4 Unit Storage Tank EPN E4TE436 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2287, General Terms and Conditions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On December 18, 2013, obtained Permit by Rule Registration No. 113453 that certified the increase of allowable emissions from E4 Unit Storage Tank, EPN E4TE436; and
- b. On June 19, 2014, implemented measures to ensure complete and accurate submittal of deviation reports.

**Technical Requirements:**

The Order will require the 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

**Executive Summary – Enforcement Matter – Case No. 48831  
Huntsman Petrochemical LLC  
RN100219252  
Docket No. 2014-0843-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

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

**Respondent:** Daniel Kemp, Director of Manufacturing, Huntsman Petrochemical LLC, P.O. Box 847, Port Neches, Texas 77651

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



**Attachment A**  
**Docket Number: 2014-0843-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                   |   |
|-----------------------------------|---|
| <b>Respondent:</b>                | <b>Huntsman Petrochemical LLC</b>                           |
| <b>Penalty Amount:</b>            | <b>Ten Thousand Eight Hundred Eighty Dollars (\$10,880)</b> |
| <b>SEP Offset Amount:</b>         | <b>Five Thousand Four Hundred Forty Dollars (\$5,440)</b>   |
| <b>Type of SEP:</b>               | <b>Contribution to a Third-Party Pre-Approved SEP</b>       |
| <b>Third-Party Administrator:</b> | <b>Southeast Texas Regional Planning Commission</b>         |
| <b>Project Name:</b>              | <b>Meteorological and Air Monitoring Network</b>            |
| <b>Location of SEP:</b>           | <b>Jefferson County</b>                                     |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the 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

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount 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:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136

Huntsman Petrochemical LLC  
Agreed Order - Attachment A

- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

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. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

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

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

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

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

## **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The 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 the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Huntsman Petrochemical LLC  
Agreed Order - Attachment A

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the 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**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the 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 Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the 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 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

|       |          |             |           |             |         |             |
|-------|----------|-------------|-----------|-------------|---------|-------------|
| DATES | Assigned | 27-May-2014 | Screening | 10-Jun-2014 | EPA Due | 16-Feb-2015 |
|       | PCW      | 10-Jul-2014 |           |             |         |             |

## 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.                | 48831           | No. of Violations     | 2                     |
| Docket No.                      | 2014-0843-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**

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

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

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

Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, 13 orders with denial of liability, and four orders without denial of liability. Reduction for six Notices of Intent to conduct an audit and two Disclosures of Violations.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

|                              |         |                                   |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts             | \$188   | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$5,500 |                                   |

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 10-Jun-2014

Docket No. 2014-0843-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 48831

PCW Revision March 26, 2014

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> )  | 1                 | 5%      |
|                               | 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 judgments 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> )     | 6                 | -6%     |
|                               | 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> )  | 2                 | -4%     |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 357%

>> 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 one NOV with same or similar violations, one NOV with dissimilar violations, 13 orders with denial of liability, and four orders without denial of liability. Reduction for six Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 357%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 10-Jun-2014  
 Respondent Huntsman Petrochemical LLC  
 Case ID No. 48831

Docket No. 2014-0843-AIR-E

PCW

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O2287, Special Terms and Conditions No. 9, and New Source Review Permit No. 5807A, Special Conditions No. 1

Violation Description

Failed to comply with the allowable volatile organic compounds ("VOC") emissions rate for E4 Unit Storage Tank, Emission Point Number ("EPN") E4TE436. Specifically, the Respondent exceeded the annual allowable VOC emissions rate of 0.04 ton per year ("tpy") based on a 12-month rolling period, for the 12-month periods ending on March 2013 through August 2013, resulting in the unauthorized release of approximately 19.8 pounds of VOC.

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR        | Release              | Harm                 |                      |                                     |
|-----------|----------------------|----------------------|----------------------|-------------------------------------|
|           |                      | Major                | Moderate             | Minor                               |
| Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/>                |

Percent

>> Programmatic Matrix

|               | Major                | Moderate             | Minor                |
|---------------|----------------------|----------------------|----------------------|
| Falsification | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events

Number of violation days

|                         |                      |                                     |
|-------------------------|----------------------|-------------------------------------|
| mark only one with an x | daily                | <input type="text"/>                |
|                         | weekly               | <input type="text"/>                |
|                         | monthly              | <input type="text"/>                |
|                         | quarterly            | <input checked="" type="checkbox"/> |
|                         | semiannual           | <input type="text"/>                |
|                         | annual               | <input type="text"/>                |
| single event            | <input type="text"/> |                                     |

Violation Base Penalty

Two quarterly events are recommended for the period of non-compliance from March 31, 2013 to August 31, 2013.

Good Faith Efforts to Comply

Reduction

|               | Before NOE/NOV                      | NOE/NOV to EDPRP/Settlement Offer |
|---------------|-------------------------------------|-----------------------------------|
| Extraordinary | <input type="text"/>                | <input type="text"/>              |
| Ordinary      | <input checked="" type="checkbox"/> | <input type="text"/>              |
| N/A           | <input type="text"/>                | (mark with x)                     |

Notes

The Respondent completed corrective actions on December 18, 2013, before the May 22, 2014 NOE.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** Huntsman Petrochemical LLC  
**Case ID No.** 48831  
**Reg. Ent. Reference No.** RN100219252  
**Media** Air  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

**Delayed Costs**

| Item Description         | Item Cost | Date Required | Final Date  | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment                |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Buildings                |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)        |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Engineering/Construction |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Land                     |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Permit Costs             | \$5,000   | 31-Mar-2013   | 18-Dec-2013 | 0.72 | \$179          | n/a           | \$179     |
| Other (as needed)        |           |               |             | 0.00 | \$0            | n/a           | \$0       |

**Notes for DELAYED costs** Estimated cost to submit an administratively complete Permit by Rule registration to increase allowable VOC emissions for EPN E4TE436. The Date Required is the initial date of non-compliance. The Final Date is the date of compliance.

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

| Item Description              | Item Cost | Date Required | Final Date | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Disposal                      |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Personnel                     |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Inspection/Reporting/Sampling |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Supplies/Equipment            |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Financial Assurance [2]       |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| ONE-TIME avoided costs [3]    |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)             |           |               |            | 0.00 | \$0            | \$0           | \$0       |

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**      \$5,000      **TOTAL**      \$179

Screening Date 10-Jun-2014  
 Respondent Huntsman Petrochemical LLC  
 Case ID No. 48831

Docket No. 2014-0843-AIR-E

PCW

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air  
 Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O2287, General Terms and Conditions

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the reporting period from July 20, 2013 through January 20, 2014 did not include a continuing deviation for failing to comply with the allowable annual VOC emissions rate of 0.04 tpy for E4 Unit Storage Tank, EPN E4TE436.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 0.0%    |
|    | Potential |       |          |       |         |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm  |          |       | Percent |
|--------------|---------------|-------|----------|-------|---------|
|              |               | Major | Moderate | Minor |         |
|              |               |       |          | X     | 1.0%    |

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 184 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended for one incomplete report.

Good Faith Efforts to Comply

10.0%

Reduction \$25

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |  |               |
|---------------|--|---------------|
| Extraordinary |  |               |
| Ordinary      |  | X             |
| N/A           |  | (mark with x) |

Notes

The Respondent completed corrective actions on June 19, 2014, after the May 22, 2014 NOE.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$475

This violation Final Assessed Penalty (adjusted for limits) \$475

# Economic Benefit Worksheet

**Respondent** Huntsman Petrochemical LLC  
**Case ID No.** 48831  
**Reg. Ent. Reference No.** RN100219252  
**Media** Air  
**Violation No.** 2

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

**Delayed Costs**

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    | \$500 | 19-Feb-2014 | 19-Jun-2014 | 0.33 | \$8 | n/a | \$8 |
| 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 cost to implement measures to ensure complete and accurate submittal of deviation reports. The Date Required is the date the deviation report was due. The Final Date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$8

The TCEQ is committed to accessibility.

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



# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603603093, RN100219252, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN603603093, Huntsman Petrochemical LLC **Classification:** SATISFACTORY **Rating:** 2.84

**Regulated Entity:** RN100219252, HUNTSMAN PORT NECHES **Classification:** SATISFACTORY **Rating:** 6.56

**Complexity Points:** 40 **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 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** REGISTRATION 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 54234  
AIR NEW SOURCE PERMITS REGISTRATION 52077  
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 REGISTRATION 104814  
AIR NEW SOURCE PERMITS REGISTRATION 112389  
AIR NEW SOURCE PERMITS REGISTRATION 108844  
AIR NEW SOURCE PERMITS REGISTRATION 119583  
AIR NEW SOURCE PERMITS REGISTRATION 120561  
AIR NEW SOURCE PERMITS REGISTRATION 112900  
AIR NEW SOURCE PERMITS REGISTRATION 113453  
AIR NEW SOURCE PERMITS REGISTRATION 112113  
AIR NEW SOURCE PERMITS REGISTRATION 110808  
AIR NEW SOURCE PERMITS REGISTRATION 110813  
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

AIR NEW SOURCE PERMITS REGISTRATION 71751  
AIR NEW SOURCE PERMITS REGISTRATION 50360  
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 118075  
AIR NEW SOURCE PERMITS REGISTRATION 112769  
AIR NEW SOURCE PERMITS PERMIT 106169  
AIR NEW SOURCE PERMITS REGISTRATION 110757  
AIR NEW SOURCE PERMITS REGISTRATION 109215  
AIR NEW SOURCE PERMITS REGISTRATION 110787  
AIR NEW SOURCE PERMITS REGISTRATION 110809  
AIR NEW SOURCE PERMITS REGISTRATION 104816  
AIR NEW SOURCE PERMITS REGISTRATION 104976  
AIR NEW SOURCE PERMITS REGISTRATION 112720  
AIR NEW SOURCE PERMITS REGISTRATION 117340  
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50363  
INDUSTRIAL AND HAZARDOUS WASTE EPA ID  
TXD008076846  
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION  
# (SWR) 30029

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** June 10, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 10, 2009 to June 10, 2014

**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: 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.
- 2 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.
- 3 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.

4 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.

5 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.

6 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.

- 7 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.
- 8 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.
- 9 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.
- 10 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.

11 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.

12 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.

13 Effective Date: 02/23/2013 ADMINORDER 2012-1230-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  
SPECIAL CONDITION 18 PERMIT

Description: Failed to prevent unauthorized emissions.

14 Effective Date: 06/03/2013 ADMINORDER 2012-1361-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 15 OP

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

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 10 PERMIT

Special Condition 15 OP

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

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

15 Effective Date: 06/03/2013 ADMINORDER 2012-0135-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 9 OP

Description: Failure to maintain emissions below the allowable emission limits during incident 158550.

16 Effective Date: 08/26/2013 ADMINORDER 2013-0150-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

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

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

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

17 Effective Date: 02/14/2014 ADMINORDER 2013-0996-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 19 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

|         |                    |          |
|---------|--------------------|----------|
| Item 1  | June 15, 2009      | (744204) |
| Item 2  | June 18, 2009      | (745143) |
| Item 3  | June 19, 2009      | (745129) |
| Item 4  | June 24, 2009      | (737641) |
| Item 5  | July 23, 2009      | (759198) |
| Item 6  | July 30, 2009      | (761289) |
| Item 7  | October 05, 2009   | (766171) |
| Item 8  | October 26, 2009   | (776644) |
| Item 9  | November 11, 2009  | (780519) |
| Item 10 | November 18, 2009  | (781053) |
| Item 11 | December 23, 2009  | (785418) |
| Item 12 | February 22, 2010  | (791210) |
| Item 13 | April 12, 2010     | (794773) |
| Item 14 | April 14, 2010     | (799094) |
| Item 15 | May 02, 2010       | (794617) |
| Item 16 | May 30, 2010       | (801934) |
| Item 17 | August 02, 2010    | (828972) |
| Item 18 | August 25, 2010    | (850335) |
| Item 19 | November 29, 2010  | (879181) |
| Item 20 | January 25, 2011   | (891899) |
| Item 21 | January 28, 2011   | (892195) |
| Item 22 | February 01, 2011  | (884523) |
| Item 23 | February 03, 2011  | (893455) |
| Item 24 | February 12, 2011  | (895129) |
| Item 25 | February 22, 2011  | (899501) |
| Item 26 | February 23, 2011  | (895953) |
| Item 27 | February 28, 2011  | (899688) |
| Item 28 | March 18, 2011     | (900956) |
| Item 29 | March 25, 2011     | (905772) |
| Item 30 | May 25, 2011       | (908478) |
| Item 31 | August 17, 2011    | (948414) |
| Item 32 | August 22, 2011    | (948636) |
| Item 33 | August 29, 2011    | (950753) |
| Item 34 | September 12, 2011 | (951989) |
| Item 35 | October 12, 2011   | (956048) |
| Item 36 | November 28, 2011  | (969262) |
| Item 37 | November 29, 2011  | (968958) |
| Item 38 | November 30, 2011  | (968943) |
| Item 39 | December 21, 2011  | (969888) |
| Item 40 | January 17, 2012   | (974631) |
| Item 41 | January 20, 2012   | (970238) |

|         |                   |           |
|---------|-------------------|-----------|
| Item 42 | February 20, 2012 | (977333)  |
| Item 43 | May 08, 2012      | (1002079) |
| Item 44 | May 14, 2012      | (1001410) |
| Item 45 | May 16, 2012      | (1003201) |
| Item 46 | May 17, 2012      | (1003097) |
| Item 47 | July 10, 2012     | (1015867) |
| Item 48 | July 17, 2012     | (1020445) |
| Item 49 | October 10, 2012  | (1035958) |
| Item 50 | November 15, 2012 | (1037258) |
| Item 51 | November 26, 2012 | (1037760) |
| Item 52 | November 27, 2012 | (1037761) |
| Item 53 | December 13, 2012 | (1046458) |
| Item 54 | January 29, 2013  | (1055133) |
| Item 55 | April 08, 2013    | (1076343) |
| Item 56 | April 12, 2013    | (1075627) |
| Item 57 | May 29, 2013      | (1092322) |
| Item 58 | June 29, 2013     | (1094139) |
| Item 59 | July 15, 2013     | (1101891) |
| Item 60 | August 13, 2013   | (1103450) |
| Item 61 | August 26, 2013   | (1114435) |
| Item 62 | August 28, 2013   | (1114747) |
| Item 63 | October 21, 2013  | (1120821) |
| Item 64 | October 28, 2013  | (1128233) |
| Item 65 | November 15, 2013 | (1127987) |
| Item 66 | February 27, 2014 | (1128172) |
| Item 67 | April 10, 2014    | (1159501) |

#### 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: 08/30/2013 (1102320) CN603603093  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Description: Failure to submit the Semi-Annual Deviation Report no later than 30 days after the end of each reporting period.
  
- 2 Date: 02/10/2014 (1139140) CN603603093  
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.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173

Description: Failure to manage containers which are holding hazardous waste in a manner that prevents releases, and failure to keep containers holding hazardous waste closed during storage. EIC C3, Moderate

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
30 TAC Chapter 335, SubChapter E 335.112(a)(9)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(c)(4)

Description: Failure to remove accumulated precipitation from the secondary containment within 24 hours. EIC C4, Minor

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(2)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.13(b)(4)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(a)(2)(ii)  
PROVISION IV.A. PERMIT  
PROVISION IV.C.1. PERMIT  
TABLE IV.C. PERMIT

Description: Failure to conduct waste sampling and analysis as required by the permit. EIC B2, Moderate

## F. Environmental audits:

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

Notice of Intent Date: 01/18/2013 (1059546)

No DOV Associated

Notice of Intent Date: 01/15/2013 (1075985)

Disclosure Date: 07/24/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(f)(2)

Description: Failed to quarterly monitor 168 connectors. Specifically, 72 connectors were insulated with soft insulation, which was interpreted to mean that the connector was inaccessible for monitoring, but it was later determined that only if hard insulation would make the connector inaccessible for monitoring. Ninety-six connectors were listed as insulated and inaccessible, but the insulation had been removed and the connectors not quarterly monitored.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

Description: Failed to quarterly monitor 18 valves and 61 connectors. Specifically, the components were designated to be monitored annually instead of quarterly.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Description: Failed to monthly monitor three pumps (04051, 20801, 20885) in OO R/S area under HON H regulation in April 2013 and four pumps (ISO-H-4401, ISO-H-4415, ISO-H-4424, ISO-H-4437) in Isoprene under HON H regulation in January 2013.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)

Description: One agitator (23165 in F5-Proc-Blk-2) under HON H was not monitored in January 2013.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Description: Failed to conduct monitoring for a second consecutive month (June 2013) on one valve found leaking over 10,000 ppm and two valves (10593D and 10593E) that were newly installed.

Notice of Intent Date: 03/27/2014 (1159872)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2014-0843-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 notice of the violations alleged in Section II ("Allegations") on or about May 27, 2014.
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 Six Hundred Dollars (\$13,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Four Hundred Forty

Dollars (\$5,440) of the administrative penalty and Two Thousand Seven Hundred Twenty Dollars (\$2,720) 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 Four Hundred Forty Dollars (\$5,440) 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 18, 2013, obtained Permit by Rule Registration No. 113453 that certified the increase of allowable emissions from E4 Unit Storage Tank, Emission Point Number ("EPN") E4TE436; and
  - b. On June 19, 2014, implemented measures to ensure complete and accurate submittal of deviation reports.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the allowable volatile organic compounds ("VOC") emissions rate for E4 Unit Storage Tank, EPN E4TE436, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2287, Special Terms and Conditions No. 9, and New Source Review Permit No. 5807A, Special Conditions No. 1, as documented during a record review conducted on May 6, 2014. Specifically, the Respondent exceeded the

annual allowable VOC emissions rate of 0.04 ton per year ("tpy") based on a 12-month rolling period, for the 12-month periods ending on March 2013 through August 2013, resulting in the unauthorized release of approximately 19.8 pounds of VOC.

2. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2287, General Terms and Conditions, as documented during a record review conducted on May 6, 2014. Specifically, the deviation report for the reporting period from July 20, 2013 through January 20, 2014 did not include a continuing deviation for failing to comply with the allowable annual VOC emissions rate of 0.04 tpy for E4 Unit Storage Tank, EPN E4TE436.

### 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. 2014-0843-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 Four Hundred Forty Dollars (\$5,440) 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 Manier*  
For the Executive Director

10/31/14  
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

8/13/14  
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: 2014-0843-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                   |   |
|-----------------------------------|---|
| <b>Respondent:</b>                | <b>Huntsman Petrochemical LLC</b>                           |
| <b>Penalty Amount:</b>            | <b>Ten Thousand Eight Hundred Eighty Dollars (\$10,880)</b> |
| <b>SEP Offset Amount:</b>         | <b>Five Thousand Four Hundred Forty Dollars (\$5,440)</b>   |
| <b>Type of SEP:</b>               | <b>Contribution to a Third-Party Pre-Approved SEP</b>       |
| <b>Third-Party Administrator:</b> | <b>Southeast Texas Regional Planning Commission</b>         |
| <b>Project Name:</b>              | <b>Meteorological and Air Monitoring Network</b>            |
| <b>Location of SEP:</b>           | <b>Jefferson County</b>                                     |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the 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

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount 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:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136

Huntsman Petrochemical LLC  
Agreed Order - Attachment A

- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

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. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

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

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

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

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

## **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The 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 the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Huntsman Petrochemical LLC  
Agreed Order - Attachment A

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the 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**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the 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 Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.