

Executive Summary – Enforcement Matter – Case No. 49382
Huntsman Petrochemical LLC
RN100219252
Docket No. 2014-1428-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: February 6, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,689

Amount Deferred for Expedited Settlement: \$3,937

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,876

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,876

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: August 18, 2014

Date(s) of NOE(s): September 18, 2014

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RN100219252
Docket No. 2014-1428-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,724 pounds ("lbs") of ethylene oxide, 37 lbs of argon, and 138 lbs of ethylene from the F6 Ethylene Oxide Stripper Column Pressure Relief Valve ("PRV"); 1 lb of argon, 1,042 lbs of ethylene, and 16 lbs of ethylene oxide from the F6 Reabsorber Vent, Emission Point Number ("EPN") F6FT455; 65 lbs of argon, 17 lbs of ethylene, and 1 lb of ethylene glycol from the F6 Regenerator Vent; and 35.64 lbs of carbon monoxide ("CO"), 55 lbs of ethylene, and 63.76 lbs of nitrogen oxides ("NOx") from Flare No. 3, EPN UER037, during an avoidable emissions event (Incident No. 193396) that began on January 24, 2014 and lasted four hours. The event occurred when the Oxygen Mixing System tripped causing the unit to shut down and actuation of the Safety Instrumented Systems due to the failure of the reabsorber pressure transmitter on the Ethylene Oxide Reabsorber Column which caused the PRVs to lift. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1320, Special Terms and Conditions ("STC") No. 15, FOP No. O2288, STC No. 19, New Source Review ("NSR") Permit No. 5952A, Special Conditions ("SC") No. 1, and NSR Permit No. 19823, SC No. 1].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,916.12 lbs of CO, 129.68 lbs of NOx, and 580.06 lbs of volatile organic compounds ("VOC") from Flare No. 3, EPN UER037, during an avoidable emissions event (Incident No. 188941) that began on September 30, 2013 and lasted 22 hours. The event occurred when Boilers H-K2-001 and H-K2-002 tripped offline reducing the amount of steam available to the A3 Ethylene Unit which caused the unit to flare. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2288, STC No. 19, and NSR Permit No. 19823, SC No. 1].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 39.36 lbs of CO and 868.43 lbs of VOC from the Methyl Tertiary Butyl Ether One-Step Unit, EPN POMTFUG, during an avoidable emissions event (Incident No. 185562) that began on July 16, 2013 and lasted two hours and 44 minutes. The event occurred when the case drain line on a vent gas compressor was separated from the case low pressure vent gas due to metal fatigue from high frequency vibration from the compressor and the lack of support for the small bore line. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O3056, STC No. 17, and NSR Permit No. 20160, SC No. 1].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By July 17, 2013, replaced and supported the line with the use of u-bolts with locknuts to help aid in preventing metal fatigue due to vibration and surveyed the Propylene Oxide unit for proper support of case drain lines on similar skid-mounted compressors and pumps in order to prevent a recurrence of emissions events due to similar causes as Incident No. 185562;
- b. By October 1, 2013, replaced the Process Liquid Fuel ("PLF") limit switch on the #1 PLF burner of Boiler H-K2-002, inspected the trip mechanism of the Forced Draft fan of Boiler H-K2-002, and modified the Distributed Control System control logic on the steam control valve of Boiler HK-11 to provide a quicker steam control response in order to prevent a recurrence of emissions events due to similar causes as Incident No. 188941; and
- c. By January 25, 2014, rewrapped the impulse tubing with insulation and updated the Preventive Maintenance protocol on Environmental Health Safety critical instruments to include steps to ensure that steam and heat tracing are functional and that necessary insulation is applied during annual winterization checks in order to prevent a recurrence of emissions events due to similar causes as Incident No. 193396.

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

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Docket No. 2014-1428-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 J. Kemp, Director of Manufacturing, Huntsman Petrochemical LLC, P.O. Box 847, Port Neches, Texas 77651

Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-1428-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Huntsman Petrochemical LLC
Penalty Amount:	Fifteen Thousand Seven Hundred Fifty-Two Dollars (\$15,752)
SEP Offset Amount:	Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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
- Sabine Pass CAM #C640

Huntsman Petrochemical LLC
Agreed Order - Attachment A

- 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:

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)

DATES	Assigned	22-Sep-2014	Screening	24-Sep-2014	EPA Due	15-Jun-2015
	PCW	30-Oct-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.	49382	No. of Violations	3
Docket No.	2014-1428-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	\$11,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$11,250

Notes
 Enhancement for one NOV with same or similar violations, two NOVs with dissimilar violations, 12 orders with denial of liability, and three orders without denial of liability. Reduction for five notices of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
 The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,811
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$3	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$25,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,689
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes

Final Penalty Amount	\$19,689
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,689
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,937
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	\$15,752
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Screening Date 24-Sep-2014

Docket No. 2014-1428-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 49382

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	12	240%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
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>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%

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) 315%

>> **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, two NOVs with dissimilar violations, 12 orders with denial of liability, and three orders without denial of liability. Reduction for five notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 315%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 24-Sep-2014

Docket No. 2014-1428-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 49382

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1320, Special Terms and Conditions ("STC") No. 15, FOP No. O2288, STC No. 19, New Source Review ("NSR") Permit No. 5952A, Special Conditions ("SC") No. 1, and NSR Permit No. 19823, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,724 pounds ("lbs") of ethylene oxide, 37 lbs of argon, and 138 lbs of ethylene from the F6 Ethylene Oxide Stripper Column Pressure Relief Valve ("PRV"); 1 lb of argon, 1,042 lbs of ethylene, and 16 lbs of ethylene oxide from the F6 Reabsorber Vent, Emission Point Number ("EPN") F6FT455; 65 lbs of argon, 17 lbs of ethylene, and 1 lb of ethylene glycol from the F6 Regenerator Vent; and 35.64 lbs of carbon monoxide ("CO"), 55 lbs of ethylene, and 63.76 lbs of nitrogen oxides ("NOx") from Flare No. 3, EPN UER037, during an avoidable emissions event (Incident No. 193396) that began on January 24, 2014 and lasted four hours. The event occurred when the Oxygen Mixing System tripped causing the unit to shut down and actuation of the Safety Instrumented Systems due to the failure of the reabsorber pressure transmitter on the Ethylene Oxide Reabsorber Column which caused the PRVs to lift. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$937

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

Notes The Respondent completed corrective actions by January 25, 2014, prior to the September 18, 2014 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$6,563

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

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 49382
Reg. Ent. Reference No. RN100219252
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-Jan-2014	25-Jan-2014	0.00	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to rewrap the impulse tubing with insulation and update the Preventive Maintenance protocol on Environmental Health Safety critical instruments to include steps to ensure that steam and heat tracing are functional and that necessary insulation is applied during annual winterization checks. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1

Screening Date 24-Sep-2014
Respondent Huntsman Petrochemical LLC
Case ID No. 49382
Reg. Ent. Reference No. RN100219252
Media [Statute] Air
Enf. Coordinator Jessica Schildwachter

Docket No. 2014-1428-AIR-E

PCW

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

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), FOP No. O2288, STC No. 19, and NSR Permit No. 19823, SC No. 1

Violation Description

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Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

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

Adjustment

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="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended.

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="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent completed corrective actions by October 1, 2013, prior to the September 18, 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. 49382
Reg. Ent. Reference No. RN100219252
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Sep-2013	1-Oct-2013	0.00	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to replace the Process Liquid Fuel ("PLF") limit switch on the #1 PLF burner of Boiler H-K2-002, inspect the trip mechanism of the Forced Draft fan of Boiler H-K2-002, and modify the Distributed Control System control logic on the steam control valve of Boiler HK-11 to provide a quicker steam control response. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1

Screening Date 24-Sep-2014
Respondent Huntsman Petrochemical LLC
Case ID No. 49382
Reg. Ent. Reference No. RN100219252
Media [Statute] Air
Enf. Coordinator Jessica Schildwachter

Docket No. 2014-1428-AIR-E

PCW

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

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), FOP No. 03056, STC No. 17, and NSR Permit No. 20160, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 39.36 lbs of CO and 868.43 lbs of VOC from the Methyl Tertiary Butyl Ether ("MTBE") One-Step Unit, EPN POMTFUG, during an avoidable emissions event (Incident No. 185562) that began on July 16, 2013 and lasted two hours and 44 minutes. The event occurred when the case drain line on a vent gas compressor was separated from the case low pressure vent gas due to metal fatigue from high frequency vibration from the compressor and the lack of support for the small bore line. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

Adjustment

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

One quarterly event is recommended.

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 by July 17, 2013, prior to the September 18, 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. 49382
Reg. Ent. Reference No. RN100219252
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	16-Jul-2013	17-Jul-2013	0.00	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to replace and support the line with the use of u-bolts with locknuts to help aid in preventing metal fatigue due to vibration and survey the Propylene Oxide unit for proper support of case drain lines on similar skid-mounted compressors and pumps. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1

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

PENDING Compliance History Report for CN603603093, RN100219252, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN603603093, Huntsman Petrochemical LLC	Classification:	SATISFACTORY	Rating:	7.80
Regulated Entity:	RN100219252, HUNTSMAN PORT NECHES	Classification:	SATISFACTORY	Rating:	18.72
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 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 122857
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

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 REGISTRATION 123829
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 123666
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

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: October 22, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 22, 2009 to October 22, 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: 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.
- 2 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.
- 3 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.

- 4 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.
- 5 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.
- 6 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.
- 7 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.
- 8 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.

9 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.

10 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)
Classification: Moderate
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.

11 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.

12 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.

13 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.

14 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.

15 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	October 26, 2009	(776644)
Item 2	November 11, 2009	(780519)
Item 3	November 18, 2009	(781053)
Item 4	December 23, 2009	(785418)
Item 5	February 22, 2010	(791210)
Item 6	April 12, 2010	(794773)
Item 7	April 14, 2010	(799094)
Item 8	May 02, 2010	(794617)
Item 9	May 30, 2010	(801934)
Item 10	August 02, 2010	(828972)
Item 11	August 25, 2010	(850335)
Item 12	November 29, 2010	(879181)
Item 13	January 25, 2011	(891899)
Item 14	January 28, 2011	(892195)
Item 15	February 01, 2011	(884523)
Item 16	February 03, 2011	(893455)
Item 17	February 12, 2011	(895129)
Item 18	February 22, 2011	(899501)
Item 19	February 23, 2011	(895953)
Item 20	February 28, 2011	(899688)
Item 21	March 18, 2011	(900956)
Item 22	March 25, 2011	(905772)
Item 23	May 25, 2011	(908478)
Item 24	August 17, 2011	(948414)
Item 25	August 22, 2011	(948636)
Item 26	August 29, 2011	(950753)
Item 27	September 12, 2011	(951989)
Item 28	October 12, 2011	(956048)

Item 29	November 28, 2011	(969262)
Item 30	November 29, 2011	(968958)
Item 31	November 30, 2011	(968943)
Item 32	December 21, 2011	(969888)
Item 33	January 17, 2012	(974631)
Item 34	January 20, 2012	(970238)
Item 35	February 20, 2012	(977333)
Item 36	May 08, 2012	(1002079)
Item 37	May 14, 2012	(1001410)
Item 38	May 16, 2012	(1003201)
Item 39	May 17, 2012	(1003097)
Item 40	July 10, 2012	(1015867)
Item 41	July 17, 2012	(1020445)
Item 42	October 10, 2012	(1035958)
Item 43	November 15, 2012	(1037258)
Item 44	November 26, 2012	(1037760)
Item 45	November 27, 2012	(1037761)
Item 46	December 13, 2012	(1046458)
Item 47	January 29, 2013	(1055133)
Item 48	April 08, 2013	(1076343)
Item 49	April 12, 2013	(1075627)
Item 50	May 29, 2013	(1092322)
Item 51	June 29, 2013	(1094139)
Item 52	July 15, 2013	(1101891)
Item 53	August 13, 2013	(1103450)
Item 54	August 26, 2013	(1114435)
Item 55	August 28, 2013	(1114747)
Item 56	October 21, 2013	(1120821)
Item 57	October 28, 2013	(1128233)
Item 58	November 15, 2013	(1127987)
Item 59	February 27, 2014	(1128172)
Item 60	April 10, 2014	(1159501)
Item 61	September 11, 2014	(1192682)
Item 62	September 12, 2014	(1192713)
Item 63	September 18, 2014	(1191088)

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:	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

2 Date: 08/15/2014 (1184898) 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)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
General Terms and Conditions OP
Description: Failure to properly report a deviation and accurately certify a permit compliance certification.

3 Date: 08/19/2014 (1186052) CN603603093
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 28 B PERMIT
Special Term and Condition 19 OP
Description: Failure to maintain flares' annual average flow rate. B19g1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 27 PERMIT
Special Terms and Conditions 19 OP
Description: Failure to maintain the permitted annual average firing rate. B19g1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 4 PERMIT
Special Terms and Conditions 19 OP
Description: Failure to maintain authorized firing rates. B19g1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 6 PERMIT
Special Condition 7 PERMIT
Special Term and Condition 19 OP
Description: Failure to calibrate scrubber's temperature monitor and liquid flow monitors. B19g1
Self Report? NO Classification: Moderate

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

Description: Failure to report a deviation. B3
 Self Report? NO Classification: Moderate

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

Description: Failure to operate at authorized steam production rate. B19g1
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 A PERMIT
 Special Terms and Condition 19 OP

Description: Failure to not exceed 37 ppmv of NOx on a dry basis at 15% O2 1-hour average.
 B19g1
 Self Report? NO Classification: Moderate

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

Description: Failure to not exceed 100 ppmv of CO on a dry basis at 3% O2 1-hour period.
 B19g1
 Self Report? NO Classification: Moderate

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

Description: Failure to maintain flow rate below authorized limit. B19g1
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 3 PERMIT

Description: Failure to maintain Mixed Liquor Suspended Solids above minimum limit of 1800
 milligrams per liter. B19g1
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 24 F PERMIT
 Special Terms and Conditions 19 OP

Description: Failure to operate Waste Water Treatment Plant A-3 Carbon Bed below the
 phenanthrene and anthracene authorized limits. B19g1
 Self Report? NO Classification: Moderate

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

Description: Failure to not exceed the ppmv of NOx on a dry basis at 15% O2 1-hour average.
 B19g1
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Condition OP
 Special Condition 19 E PERMIT
 Special Term and Condition 1A OP

Special Terms and Condition 19 OP

Description: Failure to prevent an open ended line. C10
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Condition OP
Special Condition 22 B PERMIT
Special Terms and Condition 19 OP
Special Terms and Condition 1A OP

Description: Failure to perform cylinder gas audit with certified gas. B19g1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions 19 OP

Description: Failure to maintain CO lbs/hr MAERT Limit. B19g1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 9C PERMIT
Special Terms and Conditions 19 OP

Description: Failure to replace carbon canister within 24 hours of breakthrough. B19g1

F. Environmental audits:

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 visable 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**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1428-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 located 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 September 23, 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 Nineteen Thousand Six Hundred Eighty-Nine Dollars (\$19,689) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Eight

Hundred Seventy-Six Dollars (\$7,876) of the administrative penalty and Three Thousand Nine Hundred Thirty-Seven Dollars (\$3,937) 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. Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876) 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. By July 17, 2013, replaced and supported the line with the use of u-bolts with locknuts to help aid in preventing metal fatigue due to vibration and surveyed the Propylene Oxide unit for proper support of case drain lines on similar skid-mounted compressors and pumps in order to prevent a recurrence of emissions events due to similar causes as Incident No. 185562;
 - b. By October 1, 2013, replaced the Process Liquid Fuel ("PLF") limit switch on the #1 PLF burner of Boiler H-K2-002, inspected the trip mechanism of the Forced Draft fan of Boiler H-K2-002, and modified the Distributed Control System control logic on the steam control valve of Boiler HK-11 to provide a quicker steam control response in order to prevent a recurrence of emissions events due to similar causes as Incident No. 188941; and
 - c. By January 25, 2014, rewrapped the impulse tubing with insulation and updated the Preventive Maintenance protocol on Environmental Health Safety critical instruments to include steps to ensure that steam and heat tracing are functional and that necessary insulation is applied during annual winterization checks in order to prevent a recurrence of emissions events due to similar causes as Incident No. 193396.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1320, Special Terms and Conditions ("STC") No. 15, FOP No. O2288, STC No. 19, New Source Review ("NSR") Permit No. 5952A, Special Conditions ("SC") No. 1, and NSR Permit No. 19823, SC No. 1, as documented during a record review conducted on August 18, 2014. Specifically, the Respondent released 2,724 pounds ("lbs") of ethylene oxide, 37 lbs of argon, and 138 lbs of ethylene from the F6 Ethylene Oxide ("EO") Stripper Column Pressure Relief Valve ("PRV"); 1 lb of argon, 1,042 lbs of ethylene, and 16 lbs of ethylene oxide from the F6 Reabsorber Vent, Emission Point Number ("EPN") F6FT455; 65 lbs of argon, 17 lbs of ethylene, and 1 lb of ethylene glycol from the F6 Regenerator Vent; and 35.64 lbs of carbon monoxide ("CO"), 55 lbs of ethylene, and 63.76 lbs of nitrogen oxides ("NOx") from Flare No. 3, EPN UER037, during an avoidable emissions event (Incident No. 193396) that began on January 24, 2014 and lasted four hours. The event occurred when the Oxygen Mixing System tripped causing the unit to shut down and actuation of the Safety Instrumented Systems due to the failure of the reabsorber pressure transmitter on the EO Reabsorber Column which caused the PRVs to lift. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, 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), FOP No. O2288, STC No. 19, and NSR Permit No. 19823, SC No. 1, as documented during a record review conducted on August 18, 2014. Specifically, the Respondent released 1,916.12 lbs of CO, 129.68 lbs of NOx, and 580.06 lbs of volatile organic compounds ("VOC") from Flare No. 3, EPN UER037, during an avoidable emissions event (Incident No. 188941) that began on September 30, 2013 and lasted 22 hours. The event occurred when Boilers H-K2-001 and H-K2-002 tripped offline reducing the amount of steam available to the A3 Ethylene Unit which caused the unit to flare. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, 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), FOP No. O3056, STC No. 17, and NSR Permit No. 20160, SC No. 1, as documented during a record review conducted on August 18, 2014. Specifically, the Respondent released 39.36 lbs of CO and 868.43 lbs of VOC from the Methyl Tertiary Butyl Ether ("MTBE") One-Step Unit, EPN POMTFUG, during an avoidable emissions event (Incident No. 185562) that began on July 16, 2013 and lasted two hours and 44 minutes. The event occurred when the case drain line on a vent gas compressor was separated

from the case low pressure vent gas due to metal fatigue from high frequency vibration from the compressor and the lack of support for the small bore line. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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. 2014-1428-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, Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876) 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

Ronnie Marcia J
For the Executive Director

4/7/15
Date

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

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

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

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

Daniel J Kemp
Signature

1/6/15
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: 2014-1428-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Huntsman Petrochemical LLC
Penalty Amount:	Fifteen Thousand Seven Hundred Fifty-Two Dollars (\$15,752)
SEP Offset Amount:	Seven Thousand Eight Hundred Seventy-Six Dollars (\$7,876)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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
- Sabine Pass CAM #C640

Huntsman Petrochemical LLC
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- 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.