

Executive Summary – Enforcement Matter – Case No. 50040
Huntsman Petrochemical LLC
RN100219252
Docket No. 2015-0195-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:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 15, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$120,282

Amount Deferred for Expedited Settlement: \$24,056

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$48,113

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$48,113

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: September 2002 and April 2014

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Docket No. 2015-0195-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 10-23, 2014, December 11, 2014, February 13, 2015, March 5, 2015, March 23, 2015, April 29, 2015

Date(s) of NOE(s): August 19, 2014, March 6, 2015, April 22, 2015, May 21, 2015 and July 10, 2015

Violation Information

1. Failed to comply with annual emission rates. Specifically, the Respondent exceeded the carbon monoxide ("CO") cap emissions rate of 24.48 tons per year ("tpy") and the nitrogen oxides ("NOx") cap emissions rate of 4.71 tpy based on a rolling 12-month period for Flare Nos. 1 and 2, Emission Point Numbers ("EPNs") UER044 and UER046, for the 12-month periods ending in January 2011 through September 2013, resulting in the unauthorized release of 1.35 tons of CO and 0.26 ton of NOx [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. O2288, Special Terms and Conditions ("STC") No. 19, and New Source Review ("NSR") Permit No. 19823, Special Conditions ("SC") No. 1].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 689.14 pounds ("lbs") of ethylene oxide from a bleeder valve in the F4 Ethylene Oxide Unit during an avoidable emissions event (Incident No. 208143) that began on January 5, 2015 and lasted for 16 minutes. The event occurred during startup due to a bleeder valve in the F4 Ethylene Oxide Unit being left open, allowing emissions to vent to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1320, STC No. 14, and NSR Permit No. 5972A, SC No. 1].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,058 lbs of ethylene oxide from a bonnet flange that is part of Pump 260B during an avoidable emissions event (Incident No. 203775) that began on September 18, 2014 and lasted for one hour and 37 minutes. The event occurred when a gasket failed on a bonnet flange during initial startup procedures of an ethylene oxide charge pump, causing the discharge valve of the pump to open and release to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1320, STC No. 15, and NSR Permit No. 5972A, SC No. 1].

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4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,484 lbs of ethylene from Pressure Relief Valve PC-22 located within the A-3 Unit, EPN AFUG, and released 45.04 pounds of CO from Flare Nos. 1 and 2, EPNs UERO44 and UERO46, during an avoidable emissions event (Incident No. 210289) that began on February 17, 2015 and lasted for eight hours. The event occurred when the level of one of the ethylene tower reboilers went to a low level and caused a cascading reaction that resulted in the opening of the pressure control valve and flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [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].

5. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, an emissions event at the Process Fugitives, EPN E4FUG2, was discovered on September 29, 2014, but was not reported [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2287, STC No. 10].

6. Failed to comply with maximum allowable hourly emissions rate. Specifically, the Respondent exceeded the maximum allowable emissions rate of 0.01 pound per hour of ammonia ("NH₃") for the Process Fugitives, EPN E4FUG2, from September 29 through 30, 2014, resulting in the unauthorized release of 397.65 lbs of NH₃ [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2287, STC No. 10, and NSR Permit No. 5807A, SC No. 1].

7. Failed to report all instances of deviations. Specifically, the deviation report for the July 20, 2014 through January 20, 2015 reporting period did not include deviations for failing to calibrate the E7 Scrubber flowmeter and failing to submit an initial notification of a reportable emissions event within 24 hours of discovery for the emissions event that occurred on September 29, 2014 [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].

8. Failed to maintain equipment. Specifically, the E7 Scrubber flowmeter had not been calibrated within the 12-month period prior to the investigation date of April 29, 2015 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2287, STC No. 10, and NSR Permit No. 647B, SC No. 17].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent completed the following corrective actions:

- a. On February 19, 2015, retrained employees on the steps to be taken to minimize NH₃ discharges to the wastewater conveyance system to ensure that NH₃ emissions from EPN E4FUG2 are within the permitted rate in NSR Permit No. 5807A;
- b. On June 30, 2015, revised operating procedures and redesigned the charge pump system piping to prevent recurrence of emissions events due to the same or similar causes as Incident No. 203775;
- c. On July 10, 2015, began computing NH₃ air emissions from the wastewater by referencing them as emissions of anhydrous ammonia to ensure that initial notifications are submitted in a timely manner and added the E7 Scrubber flowmeter to the annual preventative maintenance program schedule to ensure that calibrations are undertaken at least once during each 12-month period;
- d. On August 17, 2015, evaluated and revised/upgraded, as needed, instrumentation and control valves, redefined/revised control logic, confirmed the adequacy of the control valves, and troubleshot/repared associated level transmitters to prevent recurrence of emissions events due to the same or similar causes as Incident No. 210289; and
- e. By November 1, 2015, retrained employees, revised the Plant practices and procedures, and reviewed and updated the Piping and Instrument Drawings to prevent recurrence of emissions events due to the same or similar causes as Incident No. 208143.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures to ensure compliance with the CO and NO_x emissions rates for EPNs UERO44 and UERO46; and
 - ii. Submit a revised deviation report for the July 20, 2014 through January 20, 2015 reporting period that includes the deviations for failing to calibrate the E7 Scrubber

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flowmeter and failing to submit an initial notification of a reportable emissions event within 24 hours of discovery for the emissions event that occurred on September 29, 2014 and implement measures and/or procedures to ensure that all deviations are reported in a timely manner.

b. Within 45 days, submit written certification demonstrating compliance with a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Shelby Orme, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-4575; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

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

Respondent: Chad Anderson, Director of Manufacturing – Port Neches Operations,
Huntsman Petrochemical LLC, P.O. Box 847, Port Neches, Texas 77651

Respondent's Attorney: N/A

Attachment A

Docket Number: 2015-0195-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Huntsman Petrochemical LLC
Penalty Amount:	Ninety-Six Thousand Two Hundred Twenty-Six Dollars (\$96,226)
SEP Offset Amount:	Forty-Eight Thousand One Hundred Thirteen Dollars (\$48,113)
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 that 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:

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. Recognition

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 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	26-May-2015	Screening	28-May-2015	EPA Due	15-Feb-2015
	PCW	18-Feb-2016				

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.	50040	No. of Violations	1
Docket No.	2015-0195-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **327.0%** Enhancement **Subtotals 2, 3, & 7** **\$49,050**

Notes: Enhancement for four NOV's with same/similar violations, 12 orders with a denial of liability, and three orders without a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violaitons.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$2,836**
 Estimated Cost of Compliance **\$10,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$64,050**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$64,050**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$64,050**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$12,810**

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 **\$51,240**

Screening Date 28-May-2015

Docket No. 2015-0195-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 2 (September 2002)

Case ID No. 50040

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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>)	4	20%
	Other written NOVs	0	0%
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>)	4	-4%
	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) 327%

>> 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 four NOVs with same/similar violations, 12 orders with a denial of liability, and three orders without a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violaitons.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 327%

Screening Date 28-May-2015

Docket No. 2015-0195-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 2 (September 2002)

Case ID No. 50040

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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 No. O2288, Special Terms and Conditions No. 19, and New Source Review Permit No. 19823, Special Conditions No. 1

Violation Description Failed to comply with annual emission rates. Specifically, the Respondent exceeded the carbon monoxide ("CO") cap emissions rate of 24.48 tons per year ("tpy") and the nitrogen oxides ("NOx") cap emissions rate of 4.71 tpy based on a rolling 12-month period for Flare Nos. 1 and 2, Emission Point Numbers ("EPNs") UER044 and UER046, for the 12-month periods ending in January 2011 through September 2013, resulting in the unauthorized release of 1.35 tons of CO and 0.26 ton of NOx.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	9/1/2016	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

1003 Number of violation days

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

Violation Base Penalty \$15,000

Six semiannual events are recommended for the period of non-compliance from January 1, 2011 through September 30, 2013.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,836

Violation Final Penalty Total \$64,050

This violation Final Assessed Penalty (adjusted for limits) \$64,050

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC

Case ID No. 50040

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
<small>No commas or \$</small>							

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	1-Jan-2011	1-Sep-2016	5.67	\$2,836	n/a	\$2,836

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the CO and NOx emissions rates for EPNs UER044 and UER046. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,836



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	26-May-2015	Screening	28-May-2015	EPA Due	15-Feb-2015
	PCW	18-Feb-2016				

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

CASE INFORMATION		No. of Violations	7
Enf./Case ID No.	50040	Order Type	1660
Docket No.	2015-0195-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Amancio R. Gutierrez
Multi-Media		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	\$29,750
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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	\$29,750
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Notes: Enhancement for four NOV's with same/similar violations, 12 orders with a denial of liability, and three orders without a denial of liability. Reduction for four 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	-\$3,811
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,679
Estimated Cost of Compliance	\$33,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$55,689
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.0%	Adjustment	\$543
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to recover the avoided cost of compliance associated with Violation Nos. 4 and 7.

Final Penalty Amount	\$56,232
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$56,232
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DEFERRAL	20.0% Reduction	Adjustment	-\$11,246
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$44,986
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Screening Date 28-May-2015

Docket No. 2015-0195-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 50040

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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>)	4	20%
	Other written NOVs	0	0%
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>)	4	-4%
	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) 327%

>> **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 four NOVs with same/similar violations, 12 orders with a denial of liability, and three orders without a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violaitons.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 327%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 28-May-2015
Respondent Huntsman Petrochemical LLC
Case ID No. 50040
Reg. Ent. Reference No. RN100219252
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez

Docket No. 2015-0195-AIR-E

PCW

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

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. 14, and New Source Review ("NSR") Permit No. 5972A, Special Conditions ("SC") No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 689.14 pounds ("lbs") of ethylene oxide from a bleeder valve in the F4 Ethylene Oxide Unit during an avoidable emissions event (Incident No. 208143) that began on January 5, 2015 and lasted for 16 minutes. The event occurred during startup due to a bleeder valve in the F4 Ethylene Oxide Unit being left open, allowing emissions to vent to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				x
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that 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 1 Number of violation days

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

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$411

Violation Final Penalty Total \$7,573

This violation Final Assessed Penalty (adjusted for limits) \$7,573

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 50040
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

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				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	5-Jan-2015	1-Nov-2015	0.82	\$411	n/a	\$411

Notes for DELAYED costs

Estimated cost to retrain employees, revise the Plant practices and procedures, and review and update the Piping and Instrument Drawings to prevent recurrence of emissions events due to the same or similar causes as Incident No. 208143. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

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

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	\$10,000	TOTAL	\$411
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Screening Date 28-May-2015

Docket No. 2015-0195-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 50040

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

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. O1320, STC No. 15, and NSR Permit No. 5972A, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,058 lbs of ethylene oxide from a bonnet flange that is part of Pump 260B during an avoidable emissions event (Incident No. 203775) that began on September 18, 2014 and lasted for one hour and 37 minutes. The event occurred when a gasket failed on a bonnet flange during initial startup procedures of an ethylene oxide charge pump, causing the discharge valve of the pump to open and release to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent completed corrective measures on June 30, 2015, after the April 22, 2015 Notice of Enforcement ("NOE").

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$390

Violation Final Penalty Total \$14,389

This violation Final Assessed Penalty (adjusted for limits) \$14,389

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 50040
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	18-Sep-2014	30-Jun-2015	0.78	\$390	n/a	\$390

Notes for DELAYED costs

Estimated cost to revise operating procedures and redesign the charge pump system piping to prevent recurrence of emissions events due to the same or similar causes as Incident No. 203775. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000	TOTAL	\$390
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Screening Date 28-May-2015

Docket No. 2015-0195-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 50040

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

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

Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,484 lbs of ethylene from Pressure Relief Valve PC-22 located within the A-3 Unit, Emission Point Number ("EPN") EPN AFUG, and released 45.04 pounds of carbon monoxide ("CO") from Flare Nos. 1 and 2, EPNs UER044 and UER046, during an avoidable emissions event (Incident No. 210289) that began on February 17, 2015 and lasted for eight hours. The event occurred when the level of one of the ethylene tower reboilers went to a low level and caused a cascading reaction that resulted in the opening of the pressure control valve and flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

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

Notes

The Respondent completed corrective measures on August 17, 2015, after the May 21, 2015 NOE.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$248

Violation Final Penalty Total \$14,389

This violation Final Assessed Penalty (adjusted for limits) \$14,389

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 50040
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)	\$10,000	17-Feb-2015	17-Aug-2015	0.50	\$248	n/a	\$248

Notes for DELAYED costs

Estimated cost to evaluate and revise/upgrade, as needed, instrumentation and control valves, redefine/revise control logic, confirm the adequacy of the control valves, and troubleshoot/repair associated level transmitters to prevent recurrence of emissions events due to the same or similar causes as Incident No. 210289. 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

\$248

Screening Date 28-May-2015
Respondent Huntsman Petrochemical LLC
Case ID No. 50040
Reg. Ent. Reference No. RN100219252
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez

Docket No. 2015-0195-AIR-E

PCW

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

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. 02287, STC No. 10
Violation Description Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, an emissions event at the Process Fugitives, EPN E4FUG2, was discovered on September 29, 2014, but was not reported.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
100% of the rule requirement was not met.					

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/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 measures on July 10, 2015, before the July 10, 2015 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. 50040
Reg. Ent. Reference No. RN100219252
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$1,000	30-Sep-2014	10-Jul-2015	0.78	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to begin computing ammonia air emissions from the wastewater by referencing them as emissions of anhydrous ammonia to ensure that initial notifications are submitted in a timely manner. The Date Required is the date the initial notification was due 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)	\$250	30-Sep-2014	29-Apr-2015	1.50	\$19	\$250	\$269

Notes for AVOIDED costs

Estimated cost to report the emissions event through the State of Texas Environmental Electronic Reporting System. The Date Required is the date the initial notification was due and the Final Date is the date of the investigation.

Approx. Cost of Compliance

\$1,250

TOTAL

\$307

Screening Date 28-May-2015
Respondent Huntsman Petrochemical LLC
Case ID No. 50040
Reg. Ent. Reference No. RN100219252
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez

Docket No. 2015-0195-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. 02287, STC No. 10, and NSR Permit No. 5807A, SC No. 1

Violation Description Failed to comply with maximum allowable hourly emissions rate. Specifically, the Respondent exceeded the maximum allowable emissions rate of 0.01 pound per hour ("lb/hr") of ammonia ("NH3") for the Process Fugitives, EPN E4FUG2, from September 29 through 30, 2014, resulting in the unauthorized release of 397.65 lbs of NH3.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR

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

Percent

>> **Programmatic Matrix**

Falsification	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 that 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 for the period of non-compliance from September 29 through 30, 2014.

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 measures on February 19, 2015, before the July 10, 2015 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. 50040
Reg. Ent. Reference No. RN100219252
Media Air
Violation No. 5

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)	\$1,000	29-Sep-2014	19-Feb-2015	0.39	\$20	n/a	\$20

Notes for DELAYED costs

Estimated cost to retrain employees on the steps to be taken to minimize ammonia discharges to the wastewater conveyance system to ensure that NH3 emissions from EPN E4FUG2 are within the permitted rate in NSR Permit No. 5807A. The Date Required is the first date of non-compliance 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	\$1,000	TOTAL	\$20
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Screening Date 28-May-2015

Docket No. 2015-0195-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 50040

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 6

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 July 20, 2014 through January 20, 2015 reporting period did not include deviations for failing to calibrate the E7 Scrubber flowmeter and failing to submit an initial notification of a reportable emissions event within 24 hours of discovery for the emissions event that occurred on September 29, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 7.0%

Matrix Notes 30% to 70% of the rule requirement was not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

184 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,750

One single event is recommended for the incomplete report.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/ Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$3,534

This violation Final Assessed Penalty (adjusted for limits) \$3,534

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 50040
Reg. Ent. Reference No. RN100219252
Media Air
Violation No. 6

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)	\$250	20-Feb-2015	1-Sep-2016	1.53	\$19	n/a	\$19

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the July 20, 2014 through January 20, 2015 reporting period that includes the unreported deviations and implement measures and/or procedures to ensure that all deviations are reported in a timely manner. The Date Required is the date the deviation report was due and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$19

Screening Date 28-May-2015

Docket No. 2015-0195-AIR-E

PCW

Respondent Huntsman Petrochemical LLC

Policy Revision 4 (April 2014)

Case ID No. 50040

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100219252

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O2287, STC No. 10, and NSR Permit No. 647B, SC No. 17

Violation Description Failed to maintain equipment. Specifically, the E7 Scrubber flowmeter had not been calibrated within the 12-month period prior to the investigation date of April 29, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

72 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$437

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

Notes The Respondent completed corrective measures on July 10, 2015, before the July 10, 2015 NOE.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$284

Violation Final Penalty Total \$3,093

This violation Final Assessed Penalty (adjusted for limits) \$3,093

Economic Benefit Worksheet

Respondent Huntsman Petrochemical LLC
Case ID No. 50040
Reg. Ent. Reference No. RN100219252
Media Air
Violation No. 7

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)	\$1,000	29-Apr-2015	10-Jul-2015	0.20	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to add the E7 Scrubber flowmeter to the annual preventative maintenance program schedule to ensure that calibrations are undertaken at least once during each 12-month period. The Date Required is the investigation date 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]	\$250	29-Apr-2014	29-Apr-2015	1.92	\$24	\$250	\$274
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to calibrate the E7 Scrubber flowmeter. The Date Required is the first date the calibration could have been conducted and the Final Date is the last date the calibration could have been conducted.

Approx. Cost of Compliance

\$1,250

TOTAL

\$284

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TCEQ Compliance History Report

PENDING Compliance History Report for CN603603093, RN100219252, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN603603093, Huntsman Petrochemical LLC	Classification:	SATISFACTORY	Rating:	7.78
Regulated Entity:	RN100219252, HUNTSMAN PORT NECHES	Classification:	SATISFACTORY	Rating:	16.86
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 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 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 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 71751

AIR NEW SOURCE PERMITS REGISTRATION 50360

AIR NEW SOURCE PERMITS REGISTRATION 73665

AIR NEW SOURCE PERMITS REGISTRATION 72907

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 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 133815
AIR NEW SOURCE PERMITS REGISTRATION 112769
AIR NEW SOURCE PERMITS REGISTRATION 123829
AIR NEW SOURCE PERMITS REGISTRATION 108844
AIR NEW SOURCE PERMITS REGISTRATION 130095
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 113453
AIR NEW SOURCE PERMITS REGISTRATION 123666
AIR NEW SOURCE PERMITS REGISTRATION 112113
AIR NEW SOURCE PERMITS REGISTRATION 110808
AIR NEW SOURCE PERMITS REGISTRATION 125216
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, 2010 to August 31, 2015

Date Compliance History Report Prepared: October 28, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 28, 2010 to October 28, 2015

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

Name: Amancio R. Gutierrez

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 129668
AIR NEW SOURCE PERMITS REGISTRATION 134873
AIR NEW SOURCE PERMITS REGISTRATION 119583
AIR NEW SOURCE PERMITS REGISTRATION 120561
AIR NEW SOURCE PERMITS REGISTRATION 112900
AIR NEW SOURCE PERMITS REGISTRATION 131497
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 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 JE00529

Rating Year: 2015

Rating Date: 09/01/2015

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: 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.
- 2 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.

- 3 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.
- 4 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.
- 5 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.
- 6 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.

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

11 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.

12 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.

13 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.

14 Effective Date: 02/06/2015 ADMINORDER 2014-0843-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: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term & Condition 9 OP

Description: Failed to comply with the allowable volatile organic compounds ("VOC") emissions rate for E4 Unit Storage Tank, 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.

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)

Rqmt Prov: General Terms and Conditions OP

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.

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 Conditon 1 PERMIT
 Special Terms and Conditions 15 OP
 Special Terms and Conditions 19 OP

Description: Failed to prevent unauthorized emissions. Specifically, released 2,724 lbs of ethylene oxide, 37 lbs of argon, and 138 lbs of ethylene from the F6 EO Stripper Column PRV; 1 lb of argon, 1,042 lbs of ethylene, and 16 lbs of ethylene oxide from the F6 Reabsorber Vent; 65 lbs of argon, 17 lbs of ethylene, and 1 lb of ethylene glycol from the F6 Regenerator Vent; and 35.64 lbs of CO, 55 lbs of ethylene, and 63.76 lbs of NOx from Flare No. 3, during an avoidable emissions event (Incident No. 193396).

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 Terms and Conditions 19 OP

Description: 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 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.

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 Terms and Conditions 17 OP

Description: Failed to prevent unauthorized emissions. Releasing 39.36 lbs of CO and 868.43 lbs of VOC from the Methyl Tertiary Butyl Ether One-Step Unit, during an avoidable emissions event (Incident No. 185562) that began on 7/16/13 and lasted 2 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.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 29, 2010	(879181)
Item 2	January 25, 2011	(891899)
Item 3	January 28, 2011	(892195)
Item 4	February 01, 2011	(884523)
Item 5	February 03, 2011	(893455)
Item 6	February 12, 2011	(895129)
Item 7	February 22, 2011	(899501)
Item 8	February 23, 2011	(895953)
Item 9	February 28, 2011	(899688)
Item 10	March 18, 2011	(900956)
Item 11	March 25, 2011	(905772)
Item 12	May 25, 2011	(908478)
Item 13	August 17, 2011	(948414)
Item 14	August 22, 2011	(948636)
Item 15	August 29, 2011	(950753)
Item 16	September 12, 2011	(951989)
Item 17	October 12, 2011	(956048)
Item 18	November 28, 2011	(969262)
Item 19	November 29, 2011	(968958)
Item 20	November 30, 2011	(968943)
Item 21	December 21, 2011	(969888)
Item 22	January 17, 2012	(974631)
Item 23	January 20, 2012	(970238)
Item 24	February 20, 2012	(977333)
Item 25	May 08, 2012	(1002079)
Item 26	May 14, 2012	(1001410)

Item 27	May 16, 2012	(1003201)
Item 28	May 17, 2012	(1003097)
Item 29	July 10, 2012	(1015867)
Item 30	July 17, 2012	(1020445)
Item 31	October 10, 2012	(1035958)
Item 32	November 15, 2012	(1037258)
Item 33	November 26, 2012	(1037760)
Item 34	November 27, 2012	(1037761)
Item 35	December 13, 2012	(1046458)
Item 36	January 29, 2013	(1055133)
Item 37	April 08, 2013	(1076343)
Item 38	April 12, 2013	(1075627)
Item 39	May 29, 2013	(1092322)
Item 40	June 29, 2013	(1094139)
Item 41	July 15, 2013	(1101891)
Item 42	August 13, 2013	(1103450)
Item 43	August 26, 2013	(1114435)
Item 44	August 28, 2013	(1114747)
Item 45	October 21, 2013	(1120821)
Item 46	October 28, 2013	(1128233)
Item 47	November 15, 2013	(1127987)
Item 48	February 27, 2014	(1128172)
Item 49	April 10, 2014	(1159501)
Item 50	September 11, 2014	(1192682)
Item 51	September 12, 2014	(1192713)
Item 52	September 18, 2014	(1191088)
Item 53	December 01, 2014	(1205429)
Item 54	December 16, 2014	(1195696)
Item 55	February 09, 2015	(1223096)
Item 56	February 16, 2015	(1227604)
Item 57	March 17, 2015	(1229209)
Item 58	April 22, 2015	(1245648)
Item 59	July 01, 2015	(1260878)
Item 60	July 22, 2015	(1266053)
Item 61	July 31, 2015	(1184899)
Item 62	August 10, 2015	(1268101)
Item 63	August 13, 2015	(1267922)

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: 11/25/2014 (1204201) 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)
Special Condition 17 OP
Special Condition 18 PERMIT
- Description: Failure to properly operate the vapor recovery system associated to loading polyethylene oxide as permitted.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1200
5C THSC Chapter 382 382.085(b)
Special Condition 10 OP
- Description: Failure to comply with the applicable requirements of Title 40 Code of Federal Regulations (CFR) Part 63, Subpart EEE as it pertains to Hazardous Waste Combustors, EPN: H-K2-001 and H-K2-002.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)
- Description: Failure to incorporate federal applicability requirements from Title 40 Code of Federal Regulations Part 63 Subpart EEE into Federal Operating Permit O-3056.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 17 OP
- Description: Failure to maintain an emission rate below the allowable emission limits.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 (A) PERMIT
Special Condition 17 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 17 OP

Description: Failure to maintain a higher heating value of at least 900 BTU/scf for the refinery fuel gas being fired in Boiler 004, EPN:H-K2-004.

2 Date: 02/11/2015 (1208799) CN603603093

Self Report? NO Classification: Moderate

Citation: Special Condition 1(A) OP
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
Special Condition 14(E) PERMIT
Special Condition 15 OP
Special Condition 17(B) PERMIT
Special Condition 18(C) OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 4 PERMIT

Description: Failure to maintain the incinerator firebox temperature at or above the permitted level.

3 Date: 02/26/2015 (1223901) 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)
Special Condition 11 OP
Special Condition 2 PERMIT

Description: Failure to maintain the rolling 12-month pound per year (lb/yr) production limit for the L-product series surfactant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 16 PERMIT

Description: Failure to maintain the loading rate of railcars at the E3 loading rack below permitted limits.

4 Date: 08/19/2015 (1267933) 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)
Special Condition 19 OP
Special Condition 4 PERMIT

Description: Failure to maintain emissions below permitted limits.
B19(g)(1)
MOD(2)(D)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain operating rates below permitted limits.

B19(g)(1)
MOD(2)(G)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12(A) PERMIT
Special Condition 19 OP
Description: Failure to maintain emissions below permitted limits.
B19(g)(1)
MOD(2)(D)

F. Environmental audits:

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)

Disclosure Date: 11/06/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262

30 TAC Chapter 106, SubChapter A 106.6(b)

Description: Failed to include the change of service documentation for T-O-28 in the PBR application.

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. 2015-0195-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 chemical 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 notices of the violations alleged in Section II ("Allegations") on or about August 24, 2014, March 11, 2015, April 27, 2015, May 26, 2015, and July 15, 2015.
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 One Hundred Twenty Thousand Two Hundred Eighty-Two Dollars (\$120,282) is assessed by the Commission in settlement of

the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Eight Thousand One Hundred Thirteen Dollars (\$48,113) of the administrative penalty and Twenty-Four Thousand Fifty-Six Dollars (\$24,056) 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. Forty-Eight Thousand One Hundred Thirteen Dollars (\$48,113) 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 completed the following corrective actions at the Plant:
 - a. On February 19, 2015, retrained employees on the steps to be taken to minimize ammonia ("NH₃") discharges to the wastewater conveyance system to ensure that NH₃ emissions from Emission Point Number ("EPN") E4FUG2 are within the permitted rate in New Source Review ("NSR") Permit No. 5807A;
 - b. On June 30, 2015, revised operating procedures and redesigned the charge pump system piping to prevent recurrence of emissions events due to the same or similar causes as Incident No. 203775;
 - c. On July 10, 2015, began computing NH₃ air emissions from the wastewater by referencing them as emissions of anhydrous ammonia to ensure that initial notifications are submitted in a timely manner and added the E7 Scrubber flowmeter to the annual preventative maintenance program schedule to ensure that calibrations are undertaken at least once during each 12-month period;
 - d. On August 17, 2015, evaluated and revised/upgraded, as needed, instrumentation and control valves, redefined/revised control logic, confirmed the adequacy of the control valves, and troubleshot/repared associated level transmitters to prevent recurrence of emissions events due to the same or similar causes as Incident No. 210289; and
 - e. By November 1, 2015, retrained employees, revised the Plant practices and procedures, and reviewed and updated the Piping and Instrument Drawings to prevent recurrence of emissions events due to the same or similar causes as Incident No. 208143.
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 annual emission rates, 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. O2288, Special Terms and Conditions ("STC") No. 19, and NSR Permit No. 19823, Special Conditions ("SC") No. 1, as documented during a record review conducted on December 11, 2014. Specifically, the Respondent exceeded the carbon monoxide ("CO") cap emissions rate of 24.48 tons per year ("tpy") and the nitrogen oxides ("NOx") cap emissions rate of 4.71 tpy based on a rolling 12-month period for Flare Nos. 1 and 2, EPNs UER044 and UER046, for the 12-month periods ending in January 2011 through September 2013, resulting in the unauthorized release of 1.35 tons of CO and 0.26 ton of NOx.
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. O1320, STC No. 14, and NSR Permit No. 5972A, SC No. 1, as documented during a record review conducted on February 13, 2015. Specifically, the Respondent released 689.14 pounds ("lbs") of ethylene oxide from a bleeder valve in the F4 Ethylene Oxide Unit during an avoidable emissions event (Incident No. 208143) that began on January 5, 2015 and lasted for 16 minutes. The event occurred during startup due to a bleeder valve in the F4 Ethylene Oxide Unit being left open, allowing emissions to vent to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
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. O1320, STC No. 15, and NSR Permit No. 5972A, SC No. 1, as documented during a record review conducted on March 5, 2015. Specifically, the Respondent released 9,058 lbs of ethylene oxide from a bonnet flange that is part of Pump 260B during an avoidable emissions event (Incident No. 203775) that began on September 18, 2014 and lasted for one hour and 37 minutes. The event occurred when a gasket failed on a bonnet flange during initial startup procedures of an ethylene oxide charge pump, causing the discharge valve of the pump to open and release to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent

is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

4. 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 March 23, 2015. Specifically, the Respondent released 12,484 lbs of ethylene from Pressure Relief Valve PC-22 located within the A-3 Unit, EPN AFUG, and released 45.04 pounds of CO from Flare Nos. 1 and 2, EPNs UER044 and UER046, during an avoidable emissions event (Incident No. 210289) that began on February 17, 2015 and lasted for eight hours. The event occurred when the level of one of the ethylene tower reboilers went to a low level and caused a cascading reaction that resulted in the opening of the pressure control valve and flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O2287, STC No. 10, as documented during an investigation conducted on April 29, 2015. Specifically, an emissions event at the Process Fugitives, EPN E4FUG2, was discovered on September 29, 2014, but was not reported.
6. Failed to comply with maximum allowable hourly emissions rate, 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. O2287, STC No. 10, and NSR Permit No. 5807A, SC No. 1, as documented during an investigation conducted on April 29, 2015. Specifically, the Respondent exceeded the maximum allowable emissions rate of 0.01 pound per hour ("lb/hr") of NH₃ for the Process Fugitives, EPN E4FUG2, from September 29 through 30, 2014, resulting in the unauthorized release of 397.65 lbs of NH₃.
7. 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 an investigation conducted on April 29, 2015. Specifically, the deviation report for the July 20, 2014 through January 20, 2015 reporting period did not include deviations for failing to calibrate the E7 Scrubber flowmeter and failing to submit an initial notification of a reportable emissions event within 24 hours of discovery for the emissions event that occurred on September 29, 2014.
8. Failed to maintain equipment, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2287, STC No. 10, and NSR Permit No. 647B, SC No. 17, as documented during an investigation conducted on April 29, 2015. Specifically, the E7 Scrubber flowmeter had not been calibrated within the 12-month period prior to the investigation date of April 29, 2015.

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. 2015-0195-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, Forty-Eight Thousand One Hundred Thirteen Dollars (\$48,113) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and/or procedures to ensure compliance with the CO and NOx emissions rates for EPNs UER044 and UER046; and
 - ii. Submit a revised deviation report for the July 20, 2014 through January 20, 2015 reporting period that includes the deviations for failing to calibrate the E7 Scrubber flowmeter and failing to submit an initial notification of a reportable emissions event within 24 hours of discovery for the emissions event that occurred on September 29, 2014 and implement measures and/or procedures to ensure that all deviations are reported in a timely manner.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision Nos. 3.a.i and 3.a.ii, as described below, and include detailed supporting documentation

including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/21/16

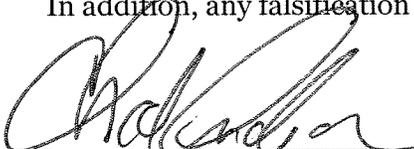
Date

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

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

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

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



Signature

3/9/2016

Date

CHAD ANDERSON
Name (Printed or typed)
Authorized Representative of
Huntsman Petrochemical LLC

DIRECTOR OF MANUFACTURING
Title PORT NECHES OPERATIONS

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: 2015-0195-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Huntsman Petrochemical LLC
Penalty Amount:	Ninety-Six Thousand Two Hundred Twenty-Six Dollars (\$96,226)
SEP Offset Amount:	Forty-Eight Thousand One Hundred Thirteen Dollars (\$48,113)
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 that 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:

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. Recognition

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.