

Executive Summary – Enforcement Matter – Case No. 59427
Equistar Chemicals, LP
RN100210319
Docket No. 2020-0778-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2021-0088-AIR-E, 2020-1140-AIR-E, and 2021-0238-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 19, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$27,688

Amount Deferred for Expedited Settlement: \$5,537

Total Paid to General Revenue: \$11,076

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$11,075

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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RN100210319
Docket No. 2020-0778-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 22, 2019 through October 24, 2019

Date(s) of NOE(s): June 3, 2020

Violation Information

1. Failed to maintain the differential pressure at or above the minimum pressure drop across each filter vent. Specifically, the Respondent did not maintain the minimum pressure drop at or above 0.2 inch water gauge across the filter vent for Emissions Point Number ("EPN") Q1FEEDVC for a total of 42 hours from May 11, 2018 through May 12, 2018 with differential pressures that ranged from 0.0369 to 0.0907 inch water gauge [30 TEX. ADMIN. CODE §§ 101.20(2), 113.1555, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.11880(b), New Source Review ("NSR") Permit No. 19109, Special Conditions ("SC") No. 9.D, Federal Operating Permit ("FOP") No. O1606, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2017 through March 31, 2018 reporting period did not include the deviation for the non-reportable emissions event that occurred on January 22, 2018 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1606, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to maintain the concentration limit at or above the measured concentration of the most recent stack test performed. Specifically, during a stack test conducted on December 15, 2011, the incinerator stack oxygen concentration was established to be approximately 9.308 percent ("%"), but the incinerator stack oxygen concentration ranged from 5.14% to 9.29% for a total of 451 hours in March 2018 for EPN Q1INC [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19109, SC No. 7.C, FOP No. O1606, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the concentration limit for the polyethylene powder exiting the product purge bin. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") concentration limit of 100 parts per million by weight for the polyethylene powder exiting the product purge bin on December 7, 2017 and on August 9, 2018 for EPN Q1F01324 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19109, SC No. 2, FOP No. O1606, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On May 14, 2018, obtained an amendment for NSR Permit No. 19109 that lowered the minimum pressure drop to 0.02 inch water gauge for EPN Q1FEEDVC; and
- b. By August 20, 2018, increased the nitrogen flow rate to the product purge bin to remove VOC in order to comply with the VOC concentration limit for EPN Q1F01324.

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. Submit a revised deviation report for the October 1, 2017 through March 31, 2018 reporting period to report the deviation for the non-reportable emissions event that occurred on January 22, 2018;
 - ii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner; and
 - iii. Implement measures and/or procedures designed to comply with the incinerator stack oxygen concentration limit for EPN Q1INC.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

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Equistar Chemicals, LP
RN100210319
Docket No. 2020-0778-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston Regional Monitoring Corporation,
Amandes PLLC, 1414 West Clay Street, Houston, Texas 77019

Respondent: Stephen G. Goff, Site Manager, Equistar Chemicals, LP, 1515 Miller Cut
Off Road, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES Assigned **8-Jun-2020**
PCW **4-Jan-2021** Screening **9-Jun-2020** EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent **Equistar Chemicals, LP**
Reg. Ent. Ref. No. **RN100210319**
Facility/Site Region **12-Houston** Major/Minor Source **Major**

CASE INFORMATION

Enf./Case ID No. **59427** No. of Violations **4**
Docket No. **2020-0778-AIR-E** Order Type **1660**
Media Program(s) **Air** Government/Non-Profit **No**
Multi-Media Enf. Coordinator **Danielle Porras**
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 \$15,250

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%** Adjustment Subtotals 2, 3, & 7 \$15,250

Notes Enhancement due to two NOV's with same/similar violations, one NOV with dissimilar violations, 10 orders containing a denial of liability, and one order without a denial of liability. Reduction for six notices of intent to conduct an audit and four disclosures of violations.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 -\$2,812

Economic Benefit

Total EB Amounts \$2,399
Estimated Cost of Compliance \$26,750

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$27,688

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$27,688

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$27,688

DEFERRAL

20.0%

Reduction

Adjustment -\$5,537

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$22,151

Screening Date 9-Jun-2020

Docket No. 2020-0778-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 4 (April 2014)

Case ID No. 59427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100210319

Media Air

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	10	200%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%
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) 223%

>> 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 due to two NOVs with same/similar violations, one NOV with dissimilar violations, 10 orders containing a denial of liability, and one order without a denial of liability. Reduction for six notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 223%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 9-Jun-2020
Respondent Equistar Chemicals, LP
Case ID No. 59427
Reg. Ent. Reference No. RN100210319
Media Air
Enf. Coordinator Danielle Porras
Violation Number 1

Docket No. 2020-0778-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 113.1555, 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 63.11880(b), New Source Review ("NSR") Permit No. 19109, Special Conditions ("SC") No. 9.D, Federal Operating Permit ("FOP") No. 01606, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the differential pressure at or above the minimum pressure drop across each filter vent. Specifically, the Respondent did not maintain the minimum pressure drop at or above 0.2 inch water gauge across the filter vent for Emissions Point Number ("EPN") Q1FEEDVC for a total of 42 hours from May 11, 2018 through May 12, 2018 with differential pressures that ranged from 0.0369 to 0.0907 inch water gauge.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the instances of non-compliance that occurred from May 11, 2018 through May 12, 2018.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance by May 14, 2018, prior to the Notice of Enforcement ("NOE") dated June 3, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$6,563

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 59427
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	\$5,000	11-May-2018	14-May-2018	0.01	\$2	n/a	\$2
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment for NSR Permit No. 19109 that lowered the minimum pressure drop to 0.02 inch water gauge for EPN Q1FEEDVC. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$2

Screening Date 9-Jun-2020
Respondent Equistar Chemicals, LP
Case ID No. 59427
Reg. Ent. Reference No. RN100210319
Media Air

Docket No. 2020-0778-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 01606, GTC, and
Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the
October 1, 2017 through March 31, 2018 reporting period did not include the
deviation for the non-reportable emissions event that occurred on January 22, 2018.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1.0%

Matrix
Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 771 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	X

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$293

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 59427
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	30-Apr-2018	1-Sep-2021	3.34	\$251	n/a	\$251
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2018	1-Sep-2021	3.34	\$42	n/a	\$42

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the October 1, 2017 through March 31, 2018 reporting period to report the deviation for the non-reportable emissions event that occurred on January 22, 2018 (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required is the date the deviation should have been reported and the Final Dates is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$293

Screening Date 9-Jun-2020
Respondent Equistar Chemicals, LP
Case ID No. 59427
Reg. Ent. Reference No. RN100210319
Media Air

Docket No. 2020-0778-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19109, SC No. 7.C, FOP No. 01606, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the concentration limit at or above the measured concentration of the most recent stack test performed. Specifically, during a stack test conducted on December 15, 2011, the incinerator stack oxygen concentration was established to be approximately 9.308 percent ("%"), but the incinerator stack oxygen concentration ranged from 5.14% to 9.29% for a total of 451 hours in March 2018 for EPN Q1INC.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

31 **Number of violation days**

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 EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	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 \$1,753

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 59427
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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-Mar-2018	1-Sep-2021	3.51	\$1,753	n/a	\$1,753

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the incinerator stack oxygen concentration limit for EPN Q1INC. The Date Required is the initial date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,753

Screening Date 9-Jun-2020
Respondent Equistar Chemicals, LP
Case ID No. 59427

Docket No. 2020-0778-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100210319

Media Air

Enf. Coordinator Danielle Porras

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19109, SC No. 2, FOP No. 01606, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the concentration limit for the polyethylene powder exiting the product purge bin. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") concentration limit of 100 parts per million by weight for the polyethylene powder exiting the product purge bin on December 7, 2017 and on August 9, 2018 for EPN Q1F01324.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which 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 2

2 **Number of violation days**

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Two single events are recommended (one event for each exceedance of the concentration limit).

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance by August 20, 2018, prior to the NOE dated June 3, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$351

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 59427
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	7-Dec-2017	20-Aug-2018	0.70	\$351	n/a	\$351

Notes for DELAYED costs

Estimated cost to increase the nitrogen flow rate to the product purge bin to remove VOC in order to comply with the VOC concentration limit for the polyethylene powder exiting the product purge bin for EPN Q1F01324. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$351



Compliance History Report

Compliance History Report for CN600124705, RN100210319, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600124705, Equistar Chemicals, LP

Classification: SATISFACTORY

Rating: 3.41

Regulated Entity: RN100210319, Equistar Chemicals
La Porte Complex

Classification: SATISFACTORY

Rating: 7.32

Complexity Points: 47

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 1515 Miller Cut Off Road in La Porte, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0770G

AIR OPERATING PERMITS PERMIT 2223

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000025809

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50383

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST
41405

WASTEWATER PERMIT WQ0004013000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1012680

AIR NEW SOURCE PERMITS PERMIT 4477

AIR NEW SOURCE PERMITS PERMIT 18978

AIR NEW SOURCE PERMITS REGISTRATION 42401

AIR NEW SOURCE PERMITS REGISTRATION 46127

AIR NEW SOURCE PERMITS AFS NUM 4820100055

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX818

AIR NEW SOURCE PERMITS REGISTRATION 53387

AIR NEW SOURCE PERMITS REGISTRATION 77716

AIR NEW SOURCE PERMITS PERMIT 83822

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M2

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M5

AIR NEW SOURCE PERMITS EPA PERMIT N162

AIR NEW SOURCE PERMITS EPA PERMIT N190

AIR NEW SOURCE PERMITS REGISTRATION 138607

AIR NEW SOURCE PERMITS REGISTRATION 112634

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX12

AIR NEW SOURCE PERMITS REGISTRATION 153800

AIR NEW SOURCE PERMITS REGISTRATION 153017

AIR NEW SOURCE PERMITS REGISTRATION 153695

AIR NEW SOURCE PERMITS REGISTRATION 152172

AIR NEW SOURCE PERMITS REGISTRATION 151085

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1574

AIR NEW SOURCE PERMITS REGISTRATION 154421

AIR NEW SOURCE PERMITS EPA PERMIT N162M1

AIR NEW SOURCE PERMITS REGISTRATION 155981

AIR NEW SOURCE PERMITS REGISTRATION 159535

AIR NEW SOURCE PERMITS REGISTRATION 158696

STORMWATER PERMIT TXR05N516

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 85436

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0770G

AIR OPERATING PERMITS PERMIT 1606

TAX RELIEF ID NUMBER 21120

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 85436

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXP490354804

POLLUTION PREVENTION PLANNING ID NUMBER
P00553

WASTEWATER EPA ID TX0119792

AIR NEW SOURCE PERMITS PERMIT 19109

AIR NEW SOURCE PERMITS PERMIT 5226

AIR NEW SOURCE PERMITS REGISTRATION 38605

AIR NEW SOURCE PERMITS REGISTRATION 43676

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0770G

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752

AIR NEW SOURCE PERMITS REGISTRATION 42349

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M3

AIR NEW SOURCE PERMITS REGISTRATION 79239

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M1

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M4

AIR NEW SOURCE PERMITS REGISTRATION 102494

AIR NEW SOURCE PERMITS REGISTRATION 133377

AIR NEW SOURCE PERMITS REGISTRATION 126212

AIR NEW SOURCE PERMITS PERMIT 114809

AIR NEW SOURCE PERMITS REGISTRATION 118577

AIR NEW SOURCE PERMITS REGISTRATION 134079

AIR NEW SOURCE PERMITS REGISTRATION 154294

AIR NEW SOURCE PERMITS REGISTRATION 151971

AIR NEW SOURCE PERMITS REGISTRATION 159015

AIR NEW SOURCE PERMITS REGISTRATION 153696

AIR NEW SOURCE PERMITS EPA PERMIT N190M2

AIR NEW SOURCE PERMITS PERMIT AMOC162

AIR NEW SOURCE PERMITS REGISTRATION 155749

AIR NEW SOURCE PERMITS REGISTRATION 158266

AIR NEW SOURCE PERMITS REGISTRATION 156014

AIR NEW SOURCE PERMITS REGISTRATION 152926

AIR NEW SOURCE PERMITS EPA PERMIT N190M1

STORMWATER PERMIT TXR15900L

IHW CORRECTIVE ACTION PERMIT 50383

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: August 12, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 12, 2015 to August 12, 2020

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

Name: Danielle Porras

Phone: (713) 767-3682

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 |

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

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

- | | | | | |
|---|---|------------|-----------------|--|
| 1 | Effective Date: 04/08/2016 | ADMINORDER | 2015-0592-AIR-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 115, SubChapter D 115.354(4) | | | |
| | 30 TAC Chapter 115, SubChapter H 115.781(e) | | | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | | | |
| | 5C THSC Chapter 382 382.085(b) | | | |
| | Rqmt Prov: ST&C 1(A) OP | | | |
| | Description: Failure to monitor one Relief Valve (RV) within 24 hours after venting to the atmosphere. | | | |
| | Classification: Major | | | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.110(b) | | | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | | | |
| | 5C THSC Chapter 382 382.085(b) | | | |
| | Description: Failure to obtain permit amendment approval to their NSR prior to Q1 vent system modification. | | | |
| | Sub-category: A2c. | | | |
| | Classification: Major | | | |
| | Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1) | | | |
| | 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: SC No. 1 OP | | | |
| | Special Condition 1 PERMIT | | | |
| | Description: Failure to prevent unauthorized emissions during an emissions event (Category A12.i.(6)). | | | |
| 2 | Effective Date: 05/04/2017 | ADMINORDER | 2016-1266-AIR-E | (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | | | |
| | 5C THSC Chapter 382 382.085(b) | | | |
| | Rqmt Prov: Special Condition 1 PERMIT | | | |
| | Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.. [Category A.12.i.(6)] | | | |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | | | |
| | 5C THSC Chapter 382 382.085(b) | | | |
| | Rqmt Prov: Special Condition 1 PERMIT | | | |
| | Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i.(6) | | | |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | | | |
| | 5C THSC Chapter 382 382.085(b) | | | |
| | Rqmt Prov: Special Condition 1 PERMIT | | | |
| | Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i.(6) | | | |

- 3 Effective Date: 09/11/2017 ADMINORDER 2016-1868-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
 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
 STC 17 OP
 Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i(6)
- 4 Effective Date: 11/15/2017 ADMINORDER 2017-0420-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
 ST&C 17 OP
 Description: Failure to meet the annual allowable MSS emissions limits for Q1 flare's VOC, CO, and NOx. Sub-category: A12i(6).
- 5 Effective Date: 08/22/2018 ADMINORDER 2017-1099-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
 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: 4477, Special Condition 1 PERMIT
 STC No. 18 OP
 Description: Failure to prevent unauthorized emissions.
- 6 Effective Date: 08/28/2018 ADMINORDER 2015-1204-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SC 1 PERMIT
 ST&C 18 OP
 Description: Failed to comply with the maximum allowable ammonia emissions rate of 3.11 pounds per hour ("lbs/hr") for Furnace 11, as documented during a record review conducted from May 20, 2015 through June 3, 2015. Specifically, during a stack test for EPN QE1011B conducted on October 28, 2014, it was determined that the ammonia emissions rate was 35.25 lbs/hr, resulting in the unauthorized release of approximately 136,530.72 lbs of ammonia.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SC(2)(C) PERMIT
 ST&C 18 OP
 Description: Failed to comply with ammonia slip concentration of 10 parts per million by volume ("ppmv") at 3% oxygen for Furnace 11, as documented during a record review conducted from May 20, 2015 through June 3, 2015. Specifically, during a stack test for EPN QE1011B conducted on October 28, 2014, the ammonia slip concentration was 159.4 ppmv at 3% oxygen.
- 7 Effective Date: 05/13/2019 ADMINORDER 2018-0586-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter H 115.722(c)(1)

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: SC No. 1 OP

STC No. 18 OP

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category A12.i.(6)).

- 8 Effective Date: 12/03/2019 ADMINORDER 2018-1557-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR 83822, Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [(Category A12(i)(6))]
- 9 Effective Date: 02/14/2020 ADMINORDER 2018-0544-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failed to comply with permitted effluent limitations, as shown in the effluent violation table below
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)
Rqmt Prov: Sampling & Analysis Requirements PERMIT
Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents did not collect and analyze biochemical oxygen demand (5-day), total organic carbon, and total suspended solids at Outfall 003 for the monthly monitoring period ending October 31, 2017.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 307 307.6(e)(2)(B)
30 TAC Chapter 319, SubChapter A 319.5(b)
Rqmt Prov: Sampling & Analysis Requirements PERMIT
Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents did not collect and analyze the effluent for lethality at Outfall 003 by the period ending December 31, 2017.
- 10 Effective Date: 07/20/2020 ADMINORDER 2019-0620-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event [Category A12(i)(6)].
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event [Category A12(i)(6)].
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event [Category A12(i)(6)].
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent the release of unauthorized emissions during an emissions event [Category A12(i)(6)].
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event [Category A12(l)(6)].

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(E)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Description: Failure to submit accurate supporting data necessary to determine the duration of an emissions event [Category C9].

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 20, 2015	(1285035)
Item 2	September 17, 2015	(1292119)
Item 3	September 28, 2015	(1274016)
Item 4	October 12, 2015	(1281716)
Item 5	November 06, 2015	(1282437)
Item 6	November 23, 2015	(1282661)
Item 7	January 04, 2016	(1286486)
Item 8	January 19, 2016	(1317506)
Item 9	March 11, 2016	(1333638)
Item 10	May 04, 2016	(1313385)
Item 11	May 20, 2016	(1347584)
Item 12	June 09, 2016	(1335085)
Item 13	June 17, 2016	(1353976)
Item 14	September 20, 2016	(1374157)
Item 15	October 10, 2016	(1344223)
Item 16	October 18, 2016	(1380273)
Item 17	December 13, 2016	(1392374)
Item 18	December 21, 2016	(1358848)
Item 19	April 12, 2017	(1401946)
Item 20	June 03, 2017	(1342983)
Item 21	June 20, 2017	(1433106)
Item 22	July 06, 2017	(1423684)
Item 23	October 02, 2017	(1438851)
Item 24	December 11, 2017	(1455482)
Item 25	February 16, 2018	(1488551)
Item 26	March 19, 2018	(1492212)
Item 27	May 03, 2018	(1502438)
Item 28	June 12, 2018	(1509556)
Item 29	July 06, 2018	(1515872)
Item 30	July 16, 2018	(1497243)
Item 31	August 07, 2018	(1521913)
Item 32	September 17, 2018	(1529111)
Item 33	September 19, 2018	(1517776)
Item 34	September 24, 2018	(1517530)
Item 36	November 12, 2018	(1543272)
Item 37	December 17, 2018	(1547003)
Item 39	January 15, 2019	(1565181)
Item 40	January 24, 2019	(1537335)
Item 41	February 08, 2019	(1565179)
Item 42	March 11, 2019	(1565180)
Item 43	April 15, 2019	(1573649)
Item 44	May 01, 2019	(1552261)
Item 45	May 08, 2019	(1586888)

5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP

Description: Failure to conduct annual monitor calibration for Unit ID/EPN Q1F01426.
(Category B1 violation)

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 9 PERMIT
Special Term and Condition 15 OP

Description: Failure to conduct annual monitor calibration for Unit ID/EPN Q1F15003 (Category B1 violation)

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 9 PERMIT
Special Term and Condition 15 OP

Description: Failure to conduct annual monitor calibration for Unit ID/EPN Q1F15004.
(Category B1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2505(a)(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to control emissions from the ABIII unit (ABIII Silo Cyclone Vents/ Unit ID L3SILOS). (Category B17 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 2E OP

Description: Failure to include all emissions in the emission inventory (EI). (Category C9 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1G(vi) OP

Description: Failure to include all emissions in the MECT report. (Category C3 violation)

3 Date: 06/15/2020 (1592400)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Conditions (SC) 2C PERMIT
Special Terms and Conditions (ST&C) 18 PERMIT
Special Terms and Conditions (ST&C) 1A PERMIT

Description: Failure to prevent the exceedance of the ammonia (NH3) slip concentration limit for Furnace 11 [Emission Point Number (EPN) QE1011B]. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.727(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain a gas stream containing less than 5.0 weight percent (w%) of highly reactive volatile organic compounds (HRVOC) to the Hydrogen Flare [Emission Point Number (EPN) QEH2FLAR]. (Category B18g(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)(D)
5C THSC Chapter 382 382.085(b)

Description: Failure to equip a stationary diesel engine [Emission Point Number (EPN) QE1AIRCOMP] with a continuous emissions monitoring system (CEMS) or a predictive emissions monitoring system (PEMS). (Category B18g(1))

Self Report? NO Classification: Moderate

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

Description: Failure to report all instances of deviations for the reporting period of April 01, 2018 through September 30, 2018. (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions PERMIT
 Description: Failure to report all instances of deviations for the reporting period of October 01, 2018 through March 31, 2019. (Category B3)

F. Environmental audits:

Notice of Intent Date: 03/26/2015 (1241964)
 Disclosure Date: 10/16/2015
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)
 Description: Failed to update the Quality Assurance Plan to reflect the HRVOC cooling water monitoring system.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP SOP O1375, STC 3.A.iv.4.
 Description: Failed to conduct visible emissions observations within one hour after sunrise and within one hour before sunset (the inspections were conducted earlier).
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171
 Description: Failed to maintain a drum containing hazardous waste in good condition.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)
 Description: Failed to maintain tank V3745 secondary containment coat in free of cracks and failed to provide secondary containment for impermeable coating for ancillary equipment on tanks V375 and V3301.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.194(b)
 Description: Failed to prevent waste spills via the secondary containment drain valves on tanks V3745 and V3301. Specifically, the drain valves used to drain the secondary containment were left open and waste spills were discovered outside of the secondary containment.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)
 Description: Failed to date and label trailers and totes used to accumulate hazardous waste with the words "Hazardous Waste."
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)
 Description: Failed to close the lids on several totes and a drum storing hazardous waste.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)
 Description: Failed to maintain documentation of inspections of overfill/spill control equipment or of construction materials to detect signs of erosion or spills for hazardous waste tank/container.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)
 Description: Failed to document evidence of spilled waste from tanks V3301 and V3745 or evidence of the cracks in the secondary containment coating of tank V3745 for the inspections conducted in April 2015.
 Notice of Intent Date: 05/05/2016 (1335486)
 No DOV Associated
 Notice of Intent Date: 03/22/2017 (1402068)
 Disclosure Date: 10/10/2018
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT SC No. 1
 OP STC No. 18
 Description: Failed to limit PM10 emissions to the limits specified in the permit. Specifically, stack testing was performed on March 27, 2018 on the de-coke pot for Furnaces 10 and 11 (EPN QE1422F) per the request of the manufacturer to verify the de-coke pot met the design parameters. The results received on May 29, 2018 indicated there was a non-compliance with PM10 emissions limits during the stack test.

Notice of Intent Date: 05/09/2017 (1417063)

Disclosure Date: 10/19/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT Special Conditions No. 15.F.
OP Special Terms and Conditions No. 15

Description: Failed to conduct a stack test for the Q1 incinerator every five years. Specifically, the last stack test was conducted in December 2011.

Viol. Classification: Moderate

Citation: 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 DDD 60.563(b)(2)

Rqmt Prov: PERMIT Special Conditions No. 16.B.
OP Special Terms and Conditions No. 15

Description: Failed to ensure that the capture system with a bypass is either car-sealed closed and inspected once a month or has a flow indication downstream of the bypass valve.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.726(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Rqmt Prov: PERMIT Special Conditions No. 16.C.
PERMIT Special Conditions No. 9.E.
OP Special Terms and Conditions No. 15

Description: Failed to maintain complete records of HRVOC Function Checks, Q1 Filter Vent Inspections, and Polymers Capture System Bypass Valve Position Assurance.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 117, SubChapter B 117.345(f)

Description: Failed to prevent operating the diesel powered emergency generator (EPN PWW321) between the hours of 6:00 a.m. and noon. Additionally, hourly operating recordkeeping for the generator is incomplete from 2013 through September 30, 2017.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)

Rqmt Prov: PERMIT Special Conditions No. 5
OP Special Terms and Conditions No. 18

Description: Failed to conduct Relative Accuracy Test Audits ("RATA") for CEMS on Boilers A & B (EPNs QE5802UA and QE5802UB) once every four quarters.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(g)(3)

Description: Failed to provide an explanation for each change regarding the monitored concentration, date and time read, repair information, addition or deletion of components, or monitoring schedule in the LeakDAS database.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(2)

Rqmt Prov: PERMIT Special Conditions No. 13
OP Special Terms and Conditions No. 18

Description: Failed to monitor 326 valves and 76 connectors during the 3rd quarter of 2017. Specifically, the OIefins unit was shut down in the middle of the 3rd quarter of 2017 before quarterly fugitive emission monitoring was completed.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions No. 15
OP Special Terms and Conditions No. 18

Description: Failed to perform Maintenance, Startup and Shutdown ("MSS") activities in accordance with the MSS Permit Special Conditions. Specifically, in some instances the equipment was not depressurized prior to opening it for maintenance. In other instances, when necessary to drain liquid into an open sump, that the liquid was not transferred within an hour of being drained.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT Special Conditions No. 11
OP Special Terms and Conditions No. 15

Description: Failed to monitor steam condensate collected from heat exchanges in HRVOC service prior to entering the Q1 cooling tower basin.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions No. 13

Description: Failed to calibrate the thermocouple used for monitoring presence of the flare pilot flame on the Q1 Flare (EPN: HSFLARE) since 2002.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions No. 13

Description: Failed to calibrate the thermocouple used for monitoring presence of the flare pilot flame on the AB3 Flare (EPN: L3FLARE).

Disclosure Date: 12/21/2017

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
30 TAC Chapter 335, SubChapter R 335.513(a)
30 TAC Chapter 335, SubChapter C 335.62

Description: Failed to update Waste Analysis Plan and waste stream documentation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failed to classify waste streams with all applicable waste codes or are not being identified on the facility NOR as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)
30 TAC Chapter 335, SubChapter C 335.67(a)

Description: Failed to correctly complete manifests as specified by the instructions included in 40 CFR 262 Appendix.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.32
30 TAC Chapter 335, SubChapter C 335.67(a)

Description: Failed to label hazardous waste drums with proper DOT shipping names.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
30 TAC Chapter 335, SubChapter C 335.69(a)(2)
30 TAC Chapter 335, SubChapter C 335.69(a)(3)

Description: Failed to label hazardous waste drums with the words "hazardous waste" and with accumulation dates.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(b)
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

Description: Failed to limit storage of hazardous waste to 90 days in Tank V3453F.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)
30 TAC Chapter 335, SubChapter C 335.69(d)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)

Description: Failed to store hazardous waste containers in less than 90-day storage area. Specifically, they are being stored in Satellite Accumulation areas instead and the list of Satellite Accumulation Areas does not identify all current areas being utilized.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(b)

Description: Failed to identify all container storage areas and wastewater treatment units on the facility NOR. In addition, the NOR did not properly identify the classification of units and their regulatory status.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)

30 TAC Chapter 305, SubChapter A 305.1(a)
30 TAC Chapter 335, SubChapter A 335.2

Description: Failed to obtain permit authorization for Unit 005 prior to receiving and storing wastes received from offsite at the LyondellBasell Acetls facility (SWR #30049) in the unit.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.14(c)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.17(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)
Rqmt Prov: PERMIT II.C.2.

Description: Failed to post signs stating "Danger Unauthorized Personnel Keep Out at some points of access to the facility and "No Smoking" at some facility access points where ignitable wastes are being handled.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: Failed to conduct weekly inspections of all hazardous waste container storage areas.
Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(b)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to include some required information (e.g. overfill protection, erosion around secondary containment) in the inspection form.
Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)

Description: Failed to maintain inspection records for three years from the date of inspection.
Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(b)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to inspect ancillary equipment without secondary containment during tank systems inspections.
Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failed to identify current personnel and equipment in the Contingency Plan.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT G 265.117(c)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: Failed to develop and implement procedures to ensure that containers of incompatible wastes are not stored nearby.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to identify precipitation and spills in hazardous waste tank secondary containment on inspection forms and ensure that they are removed within 24 hours.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to provide secondary containment for ancillary equipment consisting of pumps, valves, and non-welded connections on Tank V3453F.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to manage waste piles to ensure the wastes are within the boundary of the waste pile.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1080(b)(7)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1083(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(e)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(j)
30 TAC Chapter 335, SubChapter E 335.112(a)(21)

Description: Failed to maintain a certification for Tank V3453F detailing how it complies with 40 CFR Part 60, Part 61, or Part 63 in lieu of 40 CFR Part 265, Subpart CC. Additionally, Tank V3740 does not have documentation in the facility files detailing how it complies with 40 CFR Part 265, Subpart CC.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)
30 TAC Chapter 335, SubChapter O 335.431

Description: Failed to ensure that Land Disposal Restriction notifications are complete, contain correct information, and identify all hazardous waste codes requiring treatment.

Viol. Classification: Minor

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)

Description: Failed to identify each exclusion and/or exemption being employed and has not place the appropriate one-time notices in the facility files.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)
30 TAC Chapter 335, SubChapter O 335.431

Description: Failed to maintain the required Land Disposal Restriction notices, certifications, and waste analysis data as required.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III.A.1.(a)

Description: Failed to update the facility Storm Water Pollution Prevention Plan ("SWP3") with current personnel, equipment, structures, and stormwater management practices.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part III.B.2
PERMIT Part III.B.5.

Description: Failed to include some stormwater outfalls and some listed inspection items in the SWP3 Quarterly Inspections and Annual Site Compliance Inspections. In addition, the completed inspection items are not being resolved and the inspections are not signed in accordance with TPDES General Permit No. TXR05N516 Part III.E.6.c.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 136, SubChapter D, PT 136 136.3
30 TAC Chapter 319, SubChapter A 319.11

Description: Failed to ensure that wastewater samples are analyzed within holding times accepted by EPA methods. Additionally, laboratory utilized out of date standards during the analysis of wastewater and chain of custody forms did not identify the correct sample containers and/or preservatives required by EPA methods.

Viol. Classification: Minor

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.22(b)

Description: Failed to ensure that only a "Responsible Official" or "Duly Authorized Representative" signed the 2016 DMR QA Proficiency Testing Study.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to include current personnel, water pumps, sample points, and flow meters in the Olefins and Polymers Potable Water Monitoring Plans.

Notice of Intent Date: 02/08/2018 (1472413)

Disclosure Date: 04/27/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT Special Conditions No. 9.D.
OP Special Terms and Conditions No. 15

Description: Failed to calibrate monitoring devices for Q1FEEDVB and Q1FEEDVC at least annually.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions No. 3.A.

Description: Failed to perform quarterly opacity observations for a Reciprocating Internal Combustion Engine designated as EPN QE638481 - Q-1Emergency Air Compressor.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT Special Conditions No. 10.B.
PERMIT Special Conditions No. 9
OP Special Terms and Conditions No. 15

Description: Failed to ensure that the Regenerative Thermal Oxidizer is controlling process gases from the AB3 unit in accordance with regulatory requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions No. 3.A.

Description: Failed to perform quarterly opacity observations for a Reciprocating Internal Combustion Engine designated as EPN BAFCOEG - AB3 Bafco Engine.

Notice of Intent Date: 12/07/2018 (1537804)
No DOV Associated

Notice of Intent Date: 03/30/2020 (1644935)
No DOV Associated

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance: ~
N/A

Sites Outside of Texas:
N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: EQUISTAR CHEMICALS LA PORTE COMP

Reg Entity Add: 1515 MILLER CUTOFF RD

Reg Entity City: DEER PARK

Reg Entity No: RN100210319

EPA Case No: 06-2018-1797

Order Issue Date (yyyymmdd): 20180627

Case Result: Final Order No Penalty

Statute: CWA

Sect of Statute: 301/402

Classification: Minor

Program: NPDES - Base Program (***Citation:***

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100210319**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2020-0778-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP (the "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 1515 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$27,688 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,076 of the penalty and \$5,537 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$11,075 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On May 14, 2018, obtained an amendment for New Source Review ("NSR") Permit No. 19109 that lowered the minimum pressure drop to 0.02 inch water gauge for Emissions Point Number ("EPN") Q1FEEDVC.
 - b. By August 20, 2018, increased the nitrogen flow rate to the product purge bin to remove volatile organic compounds ("VOC") in order to comply with the VOC concentration limit for EPN Q1F01324.

II. ALLEGATIONS

During an investigation conducted from October 22, 2019 through October 24, 2019, an investigator documented that the Respondent:

1. Failed to maintain the differential pressure at or above the minimum pressure drop across each filter vent, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.1555, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.11880(b), NSR Permit No. 19109, Special Conditions ("SC") No. 9.D, Federal Operating Permit ("FOP") No. 01606, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the minimum pressure drop at or above 0.2 inch water gauge across the filter vent for EPN Q1FEEDVC for a total of 42 hours from May 11, 2018

through May 12, 2018 with differential pressures that ranged from 0.0369 to 0.0907 inch water gauge.

2. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 01606, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 1, 2017 through March 31, 2018 reporting period did not include the deviation for the non-reportable emissions event that occurred on January 22, 2018.
3. Failed to maintain the concentration limit at or above the measured concentration of the most recent stack test performed, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19109, SC No. 7.C, FOP No. 01606, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on December 15, 2011, the incinerator stack oxygen concentration was established to be approximately 9.308 percent ("%"), but the incinerator stack oxygen concentration ranged from 5.14% to 9.29% for a total of 451 hours in March 2018 for EPN Q1INC.
4. Failed to comply with the concentration limit for the polyethylene powder exiting the product purge bin, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19109, SC No. 2, FOP No. 01606, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC concentration limit of 100 parts per million by weight for the polyethylene powder exiting the product purge bin on December 7, 2017 and on August 9, 2018 for EPN Q1FO1324.

III. DENIALS

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

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2020-0778-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 an SEP as set forth in Section I, Paragraph No. 4. The amount of \$11,075 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit a revised deviation report for the October 1, 2017 through March 31, 2018 reporting period to report the deviation for the non-reportable emissions event that occurred on January 22, 2018;
 - ii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner; and
 - iii. Implement measures and/or procedures designed to comply with the incinerator stack oxygen concentration limit for EPN Q1INC.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This 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 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

10. 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.

Equistar Chemicals, LP
DOCKET NO. 2020-0778-AIR-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

07/07/2021

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

DocuSigned by:

Stephen G. Goff

04996D3257184D8...

Signature

Stephen G. Goff

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

Jan 11, 2021 | 11:04:40 CST

Date

Site Manager

Title

☐ If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2020-0778-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	\$22,151
SEP Offset Amount:	\$11,075
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris 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 SEP Offset Amount is set forth above and such offset 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 **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. 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 a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor ("HRM") 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed 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 it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation
Christopher B. Amandes
Amandes PLLC
1414 West Clay Street
Houston, Texas 77019

3. Records and Reporting

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

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

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

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

5. Publicity

Any public statements concerning this SEP 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 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.