

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 54723  
Equistar Chemicals, LP  
RN100542281  
Docket No. 2017-1021-AIR-E

**Order Type:**  
Agreed Order

**Media:**  
AIR

**Small Business:**  
No

**Location(s) Where Violation(s) Occurred:**  
8280 Sheldon Road, Channelview, Harris County (the “Plant”)

**Type of Operation:**  
chemical manufacturing

**Other Significant Matters:**

Additional Pending Enforcement Actions:	Yes, [2020-1543-AIR-E; 2021-0410-AIR-E; and 2022-0907-AIR-E]
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** December 16, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$37,500

**Total Paid to General Revenue:** \$18,750

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

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$18,750

Name of SEP: Houston Area Air Monitoring Project

**Compliance History Classifications:**

Person/CN - Satisfactory  
Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** n/a

**Date(s) of Investigation:** December 1, 2016 through March 1, 2017

**Date(s) of NOV(s):** July 21, 2016; August 8, 2016; April 21, 2017

**Date(s) of NOE(s):** April 21, 2017

**Equistar Chemicals, LP**  
RN100542281  
Docket No. 2017-1021-AIR-E

**Violation Information**

1. Failed to maintain the minimum net heating value at or above 300 British thermal units per standard cubic foot (“Btu/scf”) for steam-assisted or air-assisted flares [TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 113.100, 116.115(c), and 122.143(4), 40 C.F.R. §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), Federal Operating Permit (“FOP”) No. O1426, Special Terms and Conditions (“STC”) Nos. 1.A and 32, and New Source Review Permit Nos. 8125, PSDTX1280, and N144, Special Conditions No. 11.A].
2. Failed to comply with the ammonia (“NH<sub>3</sub>”) concentration limit [TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 117.310(c)(2) and 122.143(4), and FOP No. O1426, STC No. 1.A].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

Adjusted unit conditions for the Reformer Furnace, EPN EHTF7001, to bring the ammonia (“NH<sub>3</sub>”) concentration limit within permitted limits on December 24, 2015.

**Technical Requirements:**

1. Within 30 days implement measures and/or procedures designed to demonstrate compliance with the minimum net heating value limit for the Methanol Flare, EPN EMEOHFLARE.
2. Within 45 days submit written certification to demonstrate compliance for Technical Requirement No. 1.

**Litigation Information**

**Date Petition(s) Filed:** November 5, 2019  
**Date Green Card(s) Signed:** November 14, 2019  
**Date Answer(s) Filed:** November 25, 2019  
**Settlement Date:** November 15, 2022

**Contact Information**

**TCEQ Attorneys:** Casey Kurnath, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ SEP Coordinator:** Betty Sanders, Litigation Division, (512) 239-3992

**SEP Third-Party Administrator:** Houston Regional Monitoring Corporation, c/o Christopher Amandes, 1800 Post Oak Blvd., Suite 400, Houston, Texas, 77056

**TCEQ Enforcement Coordinator:** Amanda Diaz, Enforcement Division, (713) 422-8912

**TCEQ Regional Contact:** Joe Doby, Houston Regional Office, (713) 767-3500

**Respondent Contact:** Andy Torrant, Equistar Chemicals, LP, 1221 McKinney Street, Suite 300, Humble, Texas 77010

**Respondent's Attorney:** Stephanie Bergeron Perdue, Baker Botts L.L.P., 401 South 1st Street, Suite 1300, Austin, Texas, 78704-1296



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	5-Jul-2017	<b>Screening</b>	5-Jul-2017	<b>EPA Due</b>	
	<b>PCW</b>	4-Aug-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Equistar Chemicals, LP				
<b>Reg. Ent. Ref. No.</b>	RN100542281				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	54723	<b>No. of Violations</b>	2
<b>Docket No.</b>	2017-1021-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Toni Red
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$18,750**

### 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** **\$18,750**

Notes

Enhancement for four NOV's with same/similar violations, one NOV with dissimilar violations, four orders with a denial of liability, two orders without a denial of liability, and one final judgement with a denial of liability. Reduction for seven notices of intent to conduct an audit and two 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** **\$0**

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

Total EB Amounts	\$4,608
Estimated Cost of Compliance	\$20,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$37,500**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$37,500**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$37,500**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$37,500**

**Screening Date** 5-Jul-2017

**Docket No.** 2017-1021-AIR-E

**PCW**

**Respondent** Equistar Chemicals, LP

*Policy Revision 4 (April 2014)*

**Case ID No.** 54723

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN100542281

**Media [Statute]** Air

**Enf. Coordinator** Toni Red

### 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> )	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	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	2	50%
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> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	7	-7%
	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%
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)** 171%

**>> 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, one NOV with dissimilar violations, four orders with a denial of liability, two orders without a denial of liability, and one final judgement with a denial of liability. Reduction for seven notices of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 171%

**>> Final Compliance History Adjustment**

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

Screening Date 5-Jul-2017

Docket No. 2017-1021-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 4 (April 2014)

Case ID No. 54723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542281

Media [Statute] Air

Enf. Coordinator Toni Red

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), (2), and (3), 113.100, 116.115(c), and 122.143(4), 40 Code of Federal Regulations §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1426, Special Terms and Conditions ("STC") Nos. 1.A and 32, and New Source Review Permit Nos. 8125, PSDTX1280, and N144, Special Conditions No. 11.A

Violation Description Failed to maintain the minimum net heating value at or above 300 British thermal units per standard cubic foot ("Btu/scf") for steam-assisted or air-assisted flares. Specifically, the Respondent operated the Methanol Flare, Emission Point Number ("EPN") EMEOHFLARE, with a net heating value ranging from 228 Btu/scf to 295 Btu/scf on 17 instances that occurred on seven days between January 10, 2015 and November 3, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	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 3 7 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended for the instances of noncompliance that occurred from January 10, 2015 to February 28, 2015, May 29, 2015 to July 28, 2015, and on November 3, 2015.

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 violaiton.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,197

Violation Final Penalty Total \$22,500

This violation Final Assessed Penalty (adjusted for limits) \$22,500

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 54723  
**Reg. Ent. Reference No.** RN100542281  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### 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	10-Jan-2015	1-Jun-2023	8.39	\$4,197	n/a	\$4,197

#### Notes for DELAYED costs

Estimated cost to adjust the unit venting and methane additions and increase the natural gas flow to the flare and implement measures and/or procedures designed to demonstrate compliance with the minimum net heating value limit for the Methanol Flare, EPN EMEOHFLARE. The Date Required is the first date of noncompliance 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**

\$4,197

**Screening Date** 5-Jul-2017  
**Respondent** Equistar Chemicals, LP  
**Case ID No.** 54723  
**Reg. Ent. Reference No.** RN100542281  
**Media [Statute]** Air  
**Enf. Coordinator** Toni Red

**Docket No.** 2017-1021-AIR-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 117.310(c)(2) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1426, STC No. 1.A

**Violation Description**

Failed to comply with the ammonia ("NH3") concentration limit. Specifically, from February 27, 2015 through March 1, 2015, on March 10, 2015, and on November 3, 2015, the NH3 concentration limit of 10 parts per million by volume at 3% oxygen, dry basis, ("ppmvd") at the Reformer Furnace, EPN EHTF7001, was exceeded for 37 hours on five days by a range from 0.65 ppmvd to 48.25 ppmvd at 3% oxygen.

**Base Penalty**

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

**OR**

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

**Percent**

**>> Programmatic Matrix**

Falsification	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

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Two quarterly events are recommended for the instances of noncompliance that occurred from February 27, 2015 to March 10, 2015 and November 3, 2015.

**Good Faith Efforts to Comply**

**Reduction**

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

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

**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** Equistar Chemicals, LP  
**Case ID No.** 54723  
**Reg. Ent. Reference No.** RN100542281  
**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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### 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	27-Feb-2015	24-Dec-2015	0.82	\$411	n/a	\$411

#### Notes for DELAYED costs

Estimated cost to adjust unit conditions in order to comply with the NH3 concentration limit for the Reformer Furnace, EPN EHTF7001. The Date Required is the first date of noncompliance 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**

\$411



# Compliance History Report

Compliance History Report for CN600124705, RN100542281, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600124705, Equistar Chemicals, LP	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.05
<b>Regulated Entity:</b>	RN100542281, EQUISTAR CHEMICALS CHANNELVIEW COMPLEX	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	7.52
<b>Complexity Points:</b>	57	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	8280 SHELDON RD CHANNELVIEW, TX 77530-2693, HARRIS COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

**ID Number(s):**

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0033B  
**AIR OPERATING PERMITS** PERMIT 3585

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1011578

**AIR NEW SOURCE PERMITS** PERMIT 1768  
**AIR NEW SOURCE PERMITS** PERMIT 2933  
**AIR NEW SOURCE PERMITS** PERMIT 3130A  
**AIR NEW SOURCE PERMITS** PERMIT 6245  
**AIR NEW SOURCE PERMITS** PERMIT 8125  
**AIR NEW SOURCE PERMITS** REGISTRATION 10700  
**AIR NEW SOURCE PERMITS** REGISTRATION 11735  
**AIR NEW SOURCE PERMITS** REGISTRATION 13849  
**AIR NEW SOURCE PERMITS** REGISTRATION 12341  
**AIR NEW SOURCE PERMITS** REGISTRATION 23079  
**AIR NEW SOURCE PERMITS** REGISTRATION 30868  
**AIR NEW SOURCE PERMITS** REGISTRATION 34897  
**AIR NEW SOURCE PERMITS** REGISTRATION 47487  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0033B  
**AIR NEW SOURCE PERMITS** REGISTRATION 54098  
**AIR NEW SOURCE PERMITS** REGISTRATION 153580  
**AIR NEW SOURCE PERMITS** PERMIT 49120  
**AIR NEW SOURCE PERMITS** REGISTRATION 74110  
**AIR NEW SOURCE PERMITS** REGISTRATION 72946  
**AIR NEW SOURCE PERMITS** REGISTRATION 74181  
**AIR NEW SOURCE PERMITS** REGISTRATION 76693  
**AIR NEW SOURCE PERMITS** REGISTRATION 78278  
**AIR NEW SOURCE PERMITS** REGISTRATION 78191  
**AIR NEW SOURCE PERMITS** REGISTRATION 78381  
**AIR NEW SOURCE PERMITS** REGISTRATION 78599  
**AIR NEW SOURCE PERMITS** REGISTRATION 80296  
**AIR NEW SOURCE PERMITS** REGISTRATION 82226  
**AIR NEW SOURCE PERMITS** REGISTRATION 84183  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HGA061I  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1272  
**AIR NEW SOURCE PERMITS** EPA PERMIT N142  
**AIR NEW SOURCE PERMITS** PERMIT 99167  
**AIR NEW SOURCE PERMITS** EPA PERMIT N140  
**AIR NEW SOURCE PERMITS** REGISTRATION 102688  
**AIR NEW SOURCE PERMITS** REGISTRATION 102073  
**AIR NEW SOURCE PERMITS** REGISTRATION 140463  
**AIR NEW SOURCE PERMITS** REGISTRATION 107332

**AIR OPERATING PERMITS** PERMIT 1426  
**AIR QUALITY NON PERMITTED** ID NUMBER LGL106088529  
**AIR NEW SOURCE PERMITS** AFS NUM 4820101886  
**AIR NEW SOURCE PERMITS** PERMIT 2128  
**AIR NEW SOURCE PERMITS** PERMIT 2936  
**AIR NEW SOURCE PERMITS** PERMIT 3294  
**AIR NEW SOURCE PERMITS** PERMIT 6387  
**AIR NEW SOURCE PERMITS** REGISTRATION 10586  
**AIR NEW SOURCE PERMITS** REGISTRATION 10812  
**AIR NEW SOURCE PERMITS** REGISTRATION 12334  
**AIR NEW SOURCE PERMITS** REGISTRATION 15348  
**AIR NEW SOURCE PERMITS** PERMIT 22779  
**AIR NEW SOURCE PERMITS** PERMIT 24887  
**AIR NEW SOURCE PERMITS** REGISTRATION 32136  
**AIR NEW SOURCE PERMITS** REGISTRATION 42948  
**AIR NEW SOURCE PERMITS** REGISTRATION 50141  
**AIR NEW SOURCE PERMITS** REGISTRATION 52720  
**AIR NEW SOURCE PERMITS** REGISTRATION 76017  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100075  
**AIR NEW SOURCE PERMITS** PERMIT 49130  
**AIR NEW SOURCE PERMITS** REGISTRATION 72948  
**AIR NEW SOURCE PERMITS** REGISTRATION 74051  
**AIR NEW SOURCE PERMITS** REGISTRATION 77640  
**AIR NEW SOURCE PERMITS** REGISTRATION 78128  
**AIR NEW SOURCE PERMITS** REGISTRATION 78343  
**AIR NEW SOURCE PERMITS** REGISTRATION 78173  
**AIR NEW SOURCE PERMITS** REGISTRATION 79431  
**AIR NEW SOURCE PERMITS** REGISTRATION 78978  
**AIR NEW SOURCE PERMITS** REGISTRATION 81543  
**AIR NEW SOURCE PERMITS** PERMIT 83799  
**AIR NEW SOURCE PERMITS** REGISTRATION 84715  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1280  
**AIR NEW SOURCE PERMITS** REGISTRATION 96384  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1270  
**AIR NEW SOURCE PERMITS** EPA PERMIT N146  
**AIR NEW SOURCE PERMITS** EPA PERMIT N144  
**AIR NEW SOURCE PERMITS** REGISTRATION 101590  
**AIR NEW SOURCE PERMITS** REGISTRATION 140033  
**AIR NEW SOURCE PERMITS** REGISTRATION 140461  
**AIR NEW SOURCE PERMITS** REGISTRATION 110688

**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPDXTX10  
**AIR NEW SOURCE PERMITS** REGISTRATION 107326  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPDXTX150  
**AIR NEW SOURCE PERMITS** REGISTRATION 107330  
**AIR NEW SOURCE PERMITS** REGISTRATION 107329  
**AIR NEW SOURCE PERMITS** EPA PERMIT N236  
**AIR NEW SOURCE PERMITS** REGISTRATION 108152  
**AIR NEW SOURCE PERMITS** REGISTRATION 151917  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPDXTX183  
**AIR NEW SOURCE PERMITS** REGISTRATION 153623  
**AIR NEW SOURCE PERMITS** REGISTRATION 150586  
**AIR NEW SOURCE PERMITS** EPA PERMIT N266  
**AIR NEW SOURCE PERMITS** REGISTRATION 154481  
**AIR NEW SOURCE PERMITS** REGISTRATION 167021  
**AIR NEW SOURCE PERMITS** REGISTRATION 167206  
**AIR NEW SOURCE PERMITS** REGISTRATION 162810  
**AIR NEW SOURCE PERMITS** REGISTRATION 167735  
**AIR NEW SOURCE PERMITS** REGISTRATION 170911  
**AIR NEW SOURCE PERMITS** REGISTRATION 151575  
**AIR NEW SOURCE PERMITS** REGISTRATION 150258  
**AIR NEW SOURCE PERMITS** REGISTRATION 146626  
**AIR NEW SOURCE PERMITS** REGISTRATION 150877  
**AIR NEW SOURCE PERMITS** REGISTRATION 160251  
**AIR NEW SOURCE PERMITS** REGISTRATION 156372  
**AIR NEW SOURCE PERMITS** PERMIT AMOC157  
**AIR NEW SOURCE PERMITS** REGISTRATION 159881  
**AIR NEW SOURCE PERMITS** REGISTRATION 160287  
**AIR NEW SOURCE PERMITS** REGISTRATION 157863  
**AIR NEW SOURCE PERMITS** REGISTRATION 158059  
**AIR NEW SOURCE PERMITS** REGISTRATION 160943  
**AIR NEW SOURCE PERMITS** REGISTRATION 161239  
**AIR NEW SOURCE PERMITS** REGISTRATION 159310  
**AIR NEW SOURCE PERMITS** EPA PERMIT N142M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT N280  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1542  
**AIR NEW SOURCE PERMITS** REGISTRATION 159818  
**AIR NEW SOURCE PERMITS** REGISTRATION 156509  
**AIR NEW SOURCE PERMITS** REGISTRATION 160252  
**AIR NEW SOURCE PERMITS** REGISTRATION 170912

**STORMWATER** PERMIT TXR05BR93  
**STORMWATER** PERMIT TXR15774W  
**WASTEWATER** EPA ID TX0003531

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HGA061I

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD058275769  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50117  
**TAX RELIEF** ID NUMBER 17981

**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPDXTX17  
**AIR NEW SOURCE PERMITS** REGISTRATION 107331  
**AIR NEW SOURCE PERMITS** REGISTRATION 136396  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1484  
**AIR NEW SOURCE PERMITS** REGISTRATION 107327  
**AIR NEW SOURCE PERMITS** REGISTRATION 106675  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1280M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT N264  
**AIR NEW SOURCE PERMITS** PERMIT AMOC85  
**AIR NEW SOURCE PERMITS** PERMIT 152181  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1540  
**AIR NEW SOURCE PERMITS** REGISTRATION 152979  
**AIR NEW SOURCE PERMITS** REGISTRATION 163917  
**AIR NEW SOURCE PERMITS** REGISTRATION 162844  
**AIR NEW SOURCE PERMITS** REGISTRATION 166340  
**AIR NEW SOURCE PERMITS** REGISTRATION 161846  
**AIR NEW SOURCE PERMITS** REGISTRATION 163918  
**AIR NEW SOURCE PERMITS** REGISTRATION 144313  
**AIR NEW SOURCE PERMITS** REGISTRATION 148067  
**AIR NEW SOURCE PERMITS** REGISTRATION 148101  
**AIR NEW SOURCE PERMITS** REGISTRATION 150493  
**AIR NEW SOURCE PERMITS** REGISTRATION 159958  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPDXTX182  
**AIR NEW SOURCE PERMITS** REGISTRATION 157394  
**AIR NEW SOURCE PERMITS** REGISTRATION 156159  
**AIR NEW SOURCE PERMITS** REGISTRATION 157683  
**AIR NEW SOURCE PERMITS** REGISTRATION 157139  
**AIR NEW SOURCE PERMITS** EPA PERMIT N140M1  
**AIR NEW SOURCE PERMITS** PERMIT 152184  
**AIR NEW SOURCE PERMITS** REGISTRATION 159783  
**AIR NEW SOURCE PERMITS** REGISTRATION 158833  
**AIR NEW SOURCE PERMITS** REGISTRATION 155453  
**AIR NEW SOURCE PERMITS** REGISTRATION 162742  
**AIR NEW SOURCE PERMITS** REGISTRATION 159655  
**AIR NEW SOURCE PERMITS** REGISTRATION 155486  
**AIR NEW SOURCE PERMITS** REGISTRATION 157687  
**AIR NEW SOURCE PERMITS** REGISTRATION 157735  
**AIR NEW SOURCE PERMITS** REGISTRATION 169708  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION  
# (SWR) 30030  
**STORMWATER** PERMIT TXR05DX41  
**WASTEWATER** PERMIT WQ0000391000  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER  
HG0033B  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00405  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30030  
**TAX RELIEF** ID NUMBER 17982

**Compliance History Period:** September 01, 2012 to August 31, 2017      **Rating Year:** 2017      **Rating Date:** 09/01/2017

**Date Compliance History Report Prepared:** December 20, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 27, 2012 to September 27, 2017

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

**Name:** Amanda Diaz

**Phone:** (713) 422-8912

**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: 11/30/2012 ADMINORDER 2012-0665-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: FOP O1426, STC 28 OP  
Permit 1768, Special Conditions 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Since this emissions event was not caused by a sudden loss of steam and the Respondent did not have a backup steam supply, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
- 2 Effective Date: 05/02/2013 ADMINORDER 2012-2074-AIR-E (Findings Order-Agreed Order Without 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 prevent unauthorized emissions during an emissions event.
- 3 Effective Date: 03/19/2014 COURTOORDER (Final Judgement-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Conditions No. 1 PERMIT  
Description: On September 16, 2011, a heat exchanger in the Olefins Unit leaked causing the release of Volatile Organic Compounds, 19 lbs of Benzene, 145 lbs of Nonane and 152 lbs of Octane. Since the emissions event was reported late, this incident did not meet affirmative defense criteria under 30 TAC 101.222 and the emissions associated are unauthorized  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Conditions No. 1 PERMIT  
Description: On December 9, 2011, two pressure safety valves failed causing the release of 286.6 lbs of Ethylene into the atmosphere. Equistar is not authorized via Permit 1768 to release Ethylene from pressure safety valves. Since the emissions event was reported late, this incident did not meet the affirmative defense criteria claimed under 30 TAC 101.222(b)(1) and the emissions associated with the emissions event are unauthorized.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Conditions No. 1 PERMIT  
Description: On March 8, 2012, the company failed to ensure all of the lines being disconnected during a maintenance procedure had first been purged before conducting maintenance activities causing the release of 1,011 lbs of Propylene. The emissions event was preventable; consequently the incident did not meet the affirmative defense criteria under 30 TAC 101.222(b)(2), (3), and (4).  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Conditions No. 1 PERMIT  
Description: On March 13, 2012, an operator inadvertently locked out a 3" valve instead of an 8" valve which remained open into the OP-1 Flare System allowing process gases to run through the flare system from the 8" valve when it was supposed to have been completely locked out. This act resulted in the release of 125.4 lbs of 1,3-Butadiene, 5315.0 lbs of Propylene, 201.3 lbs of Propane, 3648.6 lbs of Ethylene, 261.4 lbs of Butenes, 191.3 lbs of Butane, 2.2 lbs of Acetylene, and 0.3 lbs of Benzene.
- 4 Effective Date: 10/05/2014 ADMINORDER 2014-0395-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(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 No. 28 OP

Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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 No. 28 OP

Description: Failed to prevent unauthorized emissions.

5 Effective Date: 01/25/2015 ADMINORDER 2014-1076-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: GT&C and STC No. 32 OP  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,215 lbs of CO and 334 lbs of NOx from the OP-1 Flare during an emissions event (Incident No. 194248) on Feb 13, 2014 that lasted 28.5 hours. The emissions event occurred when valve FV-36065 positioner failed, leading to increased suction pressure in the C-3670 Propylene Compressor which led to flaring. This emissions event could have been avoided by better operation and maintenance practices.

6 Effective Date: 10/06/2015 ADMINORDER 2015-0492-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 No. 1 OP

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.

7 Effective Date: 11/08/2016 ADMINORDER 2016-0328-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: Special Condition 1 OP  
Special Condition 1 PERMIT  
Special Terms and Conditions (ST&C) 32 OP

Description: Failure to comply with the maximum allowable emissions rate ("MAER") for the Methanol Reformer Furnace, EPN EHTF7001.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	October 03, 2012	(989233)
Item 2	October 15, 2012	(1031069)
Item 3	October 16, 2012	(1031415)
Item 4	October 17, 2012	(1030945)
Item 5	October 22, 2012	(1060735)
Item 6	October 31, 2012	(997644)

Item 7	November 26, 2012	(1060736)
Item 8	November 28, 2012	(1030859)
Item 9	December 11, 2012	(1050789)
Item 10	December 27, 2012	(1060737)
Item 11	January 11, 2013	(1049738)
Item 12	January 14, 2013	(1049739)
Item 13	January 17, 2013	(1078881)
Item 14	February 19, 2013	(1078880)
Item 15	February 26, 2013	(1057969)
Item 16	February 28, 2013	(1053124)
Item 17	March 19, 2013	(1089264)
Item 18	April 02, 2013	(1056214)
Item 19	April 18, 2013	(1095658)
Item 20	May 20, 2013	(1106583)
Item 21	May 24, 2013	(1093716)
Item 22	June 18, 2013	(1098745)
Item 23	June 19, 2013	(1095086)
Item 24	June 20, 2013	(1110259)
Item 25	June 24, 2013	(1095173)
Item 26	June 26, 2013	(1094578)
Item 27	July 03, 2013	(1100272)
Item 28	July 18, 2013	(1117142)
Item 29	August 07, 2013	(1058100)
Item 30	August 08, 2013	(1089151)
Item 31	August 20, 2013	(1124898)
Item 32	September 03, 2013	(1102964)
Item 33	September 19, 2013	(1129500)
Item 34	October 17, 2013	(1114564)
Item 35	October 21, 2013	(1105244)
Item 36	October 28, 2013	(1115820)
Item 37	November 20, 2013	(1140629)
Item 38	December 19, 2013	(1147086)
Item 39	January 08, 2014	(1138687)
Item 40	January 09, 2014	(1132894)
Item 41	January 15, 2014	(1134060)
Item 42	January 20, 2014	(1153156)
Item 43	February 13, 2014	(1116236)
Item 44	February 20, 2014	(1160492)
Item 45	March 10, 2014	(1116265)
Item 46	March 19, 2014	(1167137)
Item 47	March 24, 2014	(1152393)
Item 48	April 17, 2014	(1174270)
Item 49	May 19, 2014	(1180458)
Item 50	June 18, 2014	(1187355)
Item 51	June 24, 2014	(1173311)
Item 52	June 25, 2014	(1173075)
Item 53	July 16, 2014	(1170482)
Item 54	July 28, 2014	(1177251)
Item 55	August 14, 2014	(1198462)
Item 56	September 08, 2014	(1191469)
Item 57	September 17, 2014	(1205761)
Item 58	September 30, 2014	(1185884)
Item 59	October 15, 2014	(1212174)
Item 60	October 16, 2014	(1191188)
Item 61	October 27, 2014	(1191788)
Item 62	November 05, 2014	(1205125)
Item 63	November 14, 2014	(1196742)
Item 64	November 19, 2014	(1218424)
Item 65	December 15, 2014	(1211745)
Item 66	December 17, 2014	(1224204)
Item 67	January 05, 2015	(1216368)

Item 68	January 19, 2015	(1230732)
Item 69	January 21, 2015	(1218043)
Item 70	February 06, 2015	(1222214)
Item 71	February 18, 2015	(1242240)
Item 72	February 20, 2015	(1228191)
Item 73	February 23, 2015	(1228464)
Item 74	February 24, 2015	(1228672)
Item 75	February 25, 2015	(1228514)
Item 76	February 26, 2015	(1229126)
Item 77	February 27, 2015	(1228774)
Item 78	March 12, 2015	(1230504)
Item 79	March 19, 2015	(1248571)
Item 80	April 13, 2015	(1229212)
Item 81	April 17, 2015	(1255470)
Item 82	May 13, 2015	(1211879)
Item 83	May 14, 2015	(1211881)
Item 84	May 19, 2015	(1262180)
Item 85	June 17, 2015	(1269349)
Item 86	June 30, 2015	(1259647)
Item 87	July 16, 2015	(1276895)
Item 88	August 20, 2015	(1283073)
Item 89	September 17, 2015	(1266081)
Item 90	September 18, 2015	(1290212)
Item 91	October 14, 2015	(1266890)
Item 92	October 19, 2015	(1296414)
Item 93	October 21, 2015	(1280043)
Item 94	November 09, 2015	(1289505)
Item 95	November 19, 2015	(1301868)
Item 96	November 24, 2015	(1288963)
Item 97	December 17, 2015	(1308796)
Item 98	December 30, 2015	(1296128)
Item 99	January 12, 2016	(1305207)
Item 100	January 19, 2016	(1315581)
Item 101	January 22, 2016	(1305977)
Item 102	January 27, 2016	(1305905)
Item 103	February 04, 2016	(1307804)
Item 104	February 18, 2016	(1324971)
Item 105	February 22, 2016	(1313147)
Item 106	March 01, 2016	(1300409)
Item 107	March 11, 2016	(1315393)
Item 108	March 17, 2016	(1331702)
Item 109	April 04, 2016	(1321765)
Item 110	April 18, 2016	(1338865)
Item 111	April 25, 2016	(1324263)
Item 112	May 10, 2016	(1330600)
Item 113	July 19, 2016	(1359080)
Item 114	August 19, 2016	(1365502)
Item 115	September 20, 2016	(1372205)
Item 116	November 16, 2016	(1369934)
Item 117	November 17, 2016	(1371344)
Item 118	November 18, 2016	(1384342)
Item 119	November 29, 2016	(1330289)
Item 120	December 05, 2016	(1376294)
Item 121	December 12, 2016	(1381561)
Item 122	December 14, 2016	(1390479)
Item 123	January 06, 2017	(1383283)
Item 124	January 18, 2017	(1378238)
Item 125	January 19, 2017	(1397096)
Item 126	January 23, 2017	(1370942)
Item 127	February 16, 2017	(1403980)
Item 128	March 16, 2017	(1411081)

Item 129	March 20, 2017	(1395523)
Item 130	March 24, 2017	(1401577)
Item 131	March 30, 2017	(1100613)
Item 132	April 17, 2017	(1417578)
Item 133	May 17, 2017	(1425174)
Item 134	June 19, 2017	(1431173)
Item 135	June 27, 2017	(1416424)
Item 136	July 13, 2017	(1416583)
Item 137	July 18, 2017	(1439783)
Item 138	July 24, 2017	(1423643)
Item 139	August 17, 2017	(1443471)
Item 140	September 18, 2017	(1435219)
Item 141	September 26, 2017	(1435861)

**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: 03/06/2017 (1301800)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B14)
- 2 Date: 04/21/2017 (1358554)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to perform the Highly Reactive Volatile Organic Compounds (HRVOC) sample on East Plant Flare (Emission Point Number (EPN) 17E01). (Category C1)
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart A 60.18(c)(4)(i)  
40 CFR Part 63, Subpart A 63.11(b)(7)(i)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11A PERMIT  
Special Term and Condition 1A OP  
Special Term and Condition 32 OP  
Description: Failure to maintain the velocity within regulatory limit for the Methanol Flare (Unit ID: MEOHFLARE/Emission Point Number (EPN) EMEOHFLARE). (Category C4)
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to obtain a permit amendment for the re-routing of an analyzer vent to East Plant Flare (Emission Point Number (EPN) 17E01). (Category B4)
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to submit the pre-notification and post-notification for testing of three engines (Unit IDs: EUTEN1, OP1EN1, and OP2EN1) in a timely manner. (Category C3)
- 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 PERMIT  
Special Term and Condition 1A OP  
Special Term and Condition 32 OP  
Description: Failure to comply with the emission rate for ammonia (NH3) on the Olefins 1 Cracking Heater (Emission Point Number (EPN) EF3419). (Category B18)
- 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)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 32 OP  
 Description: Failure to comply with the emission rate for ammonia (NH3) on the Olefins 2 Cracking Heater (Emission Point Number (EPN) EF4419). (Category B18)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 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 63.163(e)(6)(iii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 9H PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 32 OP

Description: Failure to repair pump P-3137B (Unit ID: Fugitives) before returning to volatile organic compounds (VOC) service. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)  
 30 TAC Chapter 115, SubChapter H 115.781(b)(8)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to perform Leak Detection and Repair (LDAR) monitoring on two relief valves. (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 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 14F PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 32 OP

Description: Failure to perform Leak Detection and Repair (LDAR) monitoring on 15 valves. (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)  
 30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)  
 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 18D PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 32 OP

Description: Failure to perform Leak Detection and Repair (LDAR) monitoring on 14 difficult-to-monitor components. (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
 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 PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 32 OP

Description: Failure to perform Leak Detection and Repair (LDAR) monitoring on 30 connectors. (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to perform Leak Detection and Repair (LDAR) monitoring on 4 potential open ended lines (POELs). (Category C7)

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 1 PERMIT  
 Special Term and Condition 32 OP

Description: Failure to comply with the allowable emission limit for nitrogen oxides (NOx) on F-7001 Reformer Heater (Emission Point Number (EPN) EHTF7001). (Category B18)

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 1 PERMIT  
 Special Term and Condition 32 OP  
 Description: Failure to comply with allowable volatile organic compounds (VOCs) emission limit on furnace decoking vent stack (Emission Point Number (EPN) 44E08). (Category B18)

3 Date: 05/19/2017 (1402387)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 327 327.5(a)  
 Description: Failure to begin reasonable response actions including removing the discharged or spilled substances.

4 Date: 08/01/2017 (1388677)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.121  
 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)(ii)  
 30 TAC Chapter 122, SubChapter C 122.210(a)  
 5C THSC Chapter 382 382.054  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to obtain a revision to add two tanks (Unit IDs: OP1TK3501 and OP2TK4501) to Federal Operating Permit (FOP) O-01426. (Category B3)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)(ii)  
 30 TAC Chapter 122, SubChapter C 122.210(a)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to obtain a revision for Federal Operating Permit (FOP) O-01426 to include applicable rule citations. (Category B3)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Term and Condition 26 OP  
 Description: Failure to maintain records of daily liquid level for tank (Unit ID: OP2TK4458). (Category C3)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.766(a)(6)  
 30 TAC Chapter 115, SubChapter H 115.766(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to maintain records of mid-level calibrations on cooling tower (Emission Point Number (EPN): 48E11). (Category C3)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)  
 30 TAC Chapter 115, SubChapter H 115.726(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to maintain records of mid-level calibrations on flares (Emission Point Number (EPNs): 38E01 and 48E01). (Category C3)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all instances of deviations. (Category B3)

5 Date: 08/11/2017 (1424131)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 5C THSC Chapter 382 382.085(b)  
 NSR Special Condition 1 PERMIT  
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B13)

**F. Environmental audits:**

Notice of Intent Date: 10/04/2012 (1043419)  
Disclosure Date: 01/29/2013  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(e)(6)(iii)  
Rqmt Prov: PERMIT NSR Permit No. 2936, SC 8.I.  
PERMIT NSR Permit No. 49130, SC 5.I.  
PERMIT NSR Permit No. 6245, SC 7I  
Description: Failed to repair three out of 87 pumps within 15 days after discovery of a leak (one was due for repair on May 3, 2012, one was due for repair on October 5, 2012, and one was due for repair on December 17, 2012).

Notice of Intent Date: 05/09/2014 (1170800)  
No DOV Associated

Notice of Intent Date: 08/12/2014 (1191901)  
No DOV Associated

Notice of Intent Date: 10/01/2014 (1209632)  
No DOV Associated

Notice of Intent Date: 05/06/2016 (1331017)  
No DOV Associated

Notice of Intent Date: 05/09/2016 (1331021)  
Disclosure Date: 07/01/2016  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
Rqmt Prov: PERMIT NSR Permit No. 2128, SC 16  
Description: Failed to repair one valve within 15 days after the leak was detected, and the valve did not meet the requirements for delay of repair.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT NSR Permit 83799, SC 5

Description: Failed to monitor two open ended lines within 72 hours after a component is repaired/replaced, causing the open ended line.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)

Description: Failed to calibrate cooling tower HRVOC analyzer following failed weekly validation test.

Notice of Intent Date: 09/20/2017 (1438501)  
Disclosure Date: 03/13/2018

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Description: Failed to monitor 36 fugitive components as required by the applicable regulations.

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
EQUISTAR CHEMICALS, LP;  
RN100542281

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2017-1021-AIR-E

### I. JURISDICTION AND STIPULATIONS

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

1. Respondent owns and operates a chemical manufacturing plant located at 8280 Sheldon Road in Channelview, Harris County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that 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. WATER CODE § 7.054, and 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of thirty-seven thousand five hundred dollars (\$37,500.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid eighteen thousand seven hundred fifty dollars (\$18,750.00) of the penalty. Pursuant to TEX. WATER CODE § 7.067, eighteen thousand seven hundred fifty dollars (\$18,750.00) of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). 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 any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, 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 Respondent has not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent adjusted unit conditions for the Reformer Furnace, EPN EHTF7001, to bring the ammonia (“NH<sub>3</sub>”) concentration limit within permitted limits on December 24, 2015.

## II. ALLEGATIONS

1. During an investigation conducted on December 1, 2016 through March 1, 2017, an investigator documented that Respondent:
  - a. Failed to maintain the minimum net heating value at or above 300 British thermal units per standard cubic foot (“Btu/scf”) for steam-assisted or air-assisted flares, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 113.100, 116.115(c), and 122.143(4), 40 C.F.R. §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), Federal Operating Permit (“FOP”) No. O1426, Special Terms and Conditions (“STC”) Nos. 1.A and 32, and New Source Review Permit Nos. 8125, PSDTX1280, and N144, Special Conditions No. 11.A. Specifically, Respondent operated the Methanol Flare, Emission Point Number (“EPN”) EMEOHFLARE, with a net heating value ranging from 228 Btu/scf to 295 Btu/scf on 17 instances that occurred on seven days between January 10, 2015 and November 3, 2015; and
  - b. Failed to comply with the NH<sub>3</sub> concentration limit, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 117.310(c)(2) and 122.143(4), and FOP No. O1426, STC No. 1.A. Specifically, from February 27, 2015 through March 1, 2015, on March 10, 2015, and on November 3, 2015, the NH<sub>3</sub> concentration limit of 10 parts per million by volume at 3% oxygen dry basis (“ppmvd”) at the Reformer Furnace, EPN EHTF7001, was exceeded for 37 hours on five days by a range from 0.65 ppmvd to 48.25 ppmvd at 3% oxygen.

## III. DENIALS

Respondent generally denies each Allegation in Section II.

## IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and 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 actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 4. The amount of eighteen thousand seven hundred fifty dollars (\$18,750.00) of the assessed administrative penalty is conditionally offset based on Respondent’s implementation and completion of a SEP pursuant to the terms and conditions contained in 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. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to demonstrate compliance with the minimum net heating value limit for the Methanol Flare, EPN EMEOHFLARE.
  - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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 Respondent. 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. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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 Enforcement Division at the address listed above.
7. If 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

8. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



1/9/23

For the Executive Director

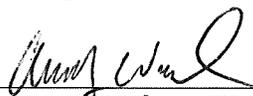
Date

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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature of Anthony Wood, Site Manager  
Equistar Chemicals, LP  
P.O. Box 777  
8280 Sheldon Road  
Channelview, Texas 77530-0777

Date

01/04/2023

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

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ATTACHMENT A  
SEP Agreement

**Attachment A**  
**Docket Number: 2017-1021-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Equistar Chemicals, LP</b>
<b>Payable Penalty Amount:</b>	<b>\$37,500</b>
<b>SEP Offset Amount:</b>	<b>\$18,750</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The 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  
c/o 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:

Equistar Chemicals, LP  
Docket No. 2017-1021-AIR-E  
Agreed Order - Attachment A

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 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.