

Executive Summary – Enforcement Matter – Case No. 59532
Equistar Chemicals, LP
RN100221662
Docket No. 2020-0911-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Chemicals, 1501 McKinzie Road, Corpus Christi, Nueces County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 2, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$58,350

Amount Deferred for Expedited Settlement: \$11,670

Total Paid to General Revenue: \$46,680

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 22, 2020, May 28, 2019 through June 11, 2019, January 14, 2020 through January 21, 2020, and November 4, 2020 through November 5, 2020

Date(s) of NOE(s): June 24, 2020, November 12, 2020, December 8, 2020, and January 14, 2021

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Docket No. 2020-0911-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 80 percent ("%") opacity and released 68,472.87 pounds ("lbs") of carbon monoxide ("CO"), 12,948.80 lbs of nitrogen oxides ("NOx"), and 45,912.94 lbs of volatile organic compounds ("VOC") from the Cold Flare, Emissions Point Number ("EPN") 11, and experienced 80% opacity and released 3,057.39 lbs of VOC from the Hot Flare, EPN 10, during an emissions event (Incident No. 262151) that began on June 29, 2017 and lasted 123 hours and ten minutes. The emissions event occurred due to the sudden increase of city water flow, the incorrectly installation of three out of eight cooling water valves during the turnaround/expansion project, the calibration of the Propylene Refrigerant Surge Drum level transmitter with an inaccurate specific gravity for propylene during the turnaround/expansion project, the propylene make-up valve to the Propylene Refrigerant Surge Drum letting propylene into the drum, and daylight heating increasing the cooling water temperature to the Propylene Refrigerant Condensers that caused the unexpected shutdown of the propylene product compressor, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 4682B and PSDTX761M3, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O1486, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 38,583.40 lbs of CO, 7,173.90 lbs of NOx, and 29,317.00 lbs of VOC from the Cold Flare, EPN No. 11, during an emissions event (Incident No. 277253) that began on January 25, 2018 and lasted 55 hours and two minutes. The emissions event occurred due to an improperly torqued wire termination to the control valve positioner that caused an unexpected closure of an inlet control valve of the hydrocarbon feed to the Acetylene Reactor, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions and failed to prevent visible emissions from exceeding 20% averaged over a six-minute period. Specifically, the Respondent experienced 90% opacity and released 1,633.18 lbs of VOC from the Hot Flare, EPN 10,

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Docket No. 2020-0911-AIR-E

experienced 90% opacity and released 16,520.72 lbs of VOC, 23,476.96 lbs of CO, and 4,423.41 lbs of NOx from the Cold Flare, EPN 11, and released 69.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 262396) that began on July 5, 2017 and lasted 81 hours. The emissions event occurred due to debris inside the high-pressure Process Gas Compressor ("PGC") automated anti-surge/recycle valve that prevented the valve from functioning properly, resulting in release to the atmosphere and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 23,041.58 lbs of CO, 4,350.81 lbs of NOx, and 13,042.56 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 297224) that began on November 13, 2018 and lasted 50 hours and 30 minutes. The emissions event occurred when a tubing connection loosened during the repair of a leak that caused the automated process safety sequence to initiate and the Process Gas Compressor to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 20,681.90 lbs of CO, 3,846.78 lbs of NOx, and 15,231.80 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 277634) that began on January 30, 2018 and lasted 27 hours and 30 minutes. The emissions event occurred due to an improperly torqued wire termination that caused an inlet control valve for the hydrocarbon feed to the Acetylene Reactor to unexpectedly close during operation and activated an automated safety sequence, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, 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. By September 20, 2018, implemented a "Build it Clean" project to prevent debris from getting in the process equipment and piping and implement Standard Operating Procedures and Systems Application and Products Maintenance Plans in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 262396;
- b. By September 24, 2019, labeled the root valves on the turbine extraction, updated the Operations Discipline Manual to include specific instructions on handling routine maintenance on the tubing connection with specific requirements to trace from the point of origin to the destination, conducted training on the importance of tracing tubing or equipment connections prior to conducting maintenance, removed any unnecessary instrumentations, installed independent taps on the triple redundant transmitters with common root valves, and labeled and car sealed the root valves for the triple redundant transmitters in trip duty that have a common root valve isolation in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 297224;
- c. By April 2, 2020, replaced the positioner on the inlet control valve to the second Acetylene Reactor D-1710B, properly torqued the wire termination to the control valve, and conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277253; and
- d. By April 2, 2020, added and/or reconfigured the high-pressure alarm, temperature indicator, cooling water valve components, and refrigerant drum level transmitter for the Propylene Refrigerant Surge Drum and updated the operating procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 262151.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277634; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Alicia R. Matus, Site Manager, Equistar Chemicals, LP, P.O. Box 10940, Corpus Christi, Texas 78460-0940

Cheri DuBuc, Chief Customer Officer, Equistar Chemicals, LP, P.O. Box 10940, Corpus Christi, Texas 78460-0940

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	29-Jun-2020	Screening	8-Jul-2020	EPA Due	
	PCW	24-Apr-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Equistar Chemicals, LP
Reg. Ent. Ref. No.	RN100221662 (PCW No. 1 of 2)
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59532	No. of Violations	2
Docket No.	2020-0911-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	39.0% Adjustment	Subtotals 2, 3, & 7	\$5,850
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Notes: Enhancement for one NOV with same/similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$5,638
 Estimated Cost of Compliance: \$45,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,100
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$17,100
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,100
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,420
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,680
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Screening Date 8-Jul-2020

Docket No. 2020-0911-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 4 (April 2014)

Case ID No. 59532

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100221662 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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	0	0%
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>)	2	-2%
	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) 39%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 39%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 39%

Screening Date 8-Jul-2020 **Docket No.** 2020-0911-AIR-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 4 (April 2014)*
Case ID No. 59532 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100221662 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 4682B and PSDTX761M3, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O1486, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 80 percent ("%") opacity and released 68,472.87 pounds ("lbs") of carbon monoxide ("CO"), 12,948.80 lbs of nitrogen oxides ("NOx"), and 45,912.94 lbs of volatile organic compounds ("VOC") from the Cold Flare, Emissions Point Number ("EPN") 11, and experienced 80% opacity and released 3,057.39 lbs of VOC from the Hot Flare, EPN 10, during an emissions event (Incident No. 262151) that began on June 29, 2017 and lasted 123 hours and ten minutes. The emissions event occurred due to the sudden increase of city water flow, the incorrectly installation of three out of eight cooling water valves during the turnaround/expansion project, the calibration of the Propylene Refrigerant Surge Drum level transmitter with an inaccurate specific gravity for propylene during the turnaround/expansion project, the propylene make-up valve to the Propylene Refrigerant Surge Drum letting propylene into the drum, and daylight heating increasing the cooling water temperature to the Propylene Refrigerant Condensers that caused the unexpected shutdown of the propylene product compressor, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Based on the Air Quality Analysis Audit of the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 6 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

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 completed the corrective measures by April 2, 2020, prior to the Notice of Enforcement ("NOE") dated June 24, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$3,452 **Violation Final Penalty Total** \$8,550
This violation Final Assessed Penalty (adjusted for limits) \$8,550

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 59532
Reg. Ent. Reference No. RN100221662 (PCW No. 1 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	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)	\$25,000	29-Jun-2017	2-Apr-2020	2.76	\$3,452	n/a	\$3,452

Notes for DELAYED costs

Estimated delayed cost to add and/or reconfigure the high-pressure alarm, temperature indicator, cooling water valve components, and refrigerant drum level transmitter for the Propylene Refrigerant Surge Drum and updated the operating procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 262151. The Date Required is the date the emissions event began 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 \$25,000

TOTAL \$3,452

Screening Date 8-Jul-2020
Respondent Equistar Chemicals, LP
Case ID No. 59532
Reg. Ent. Reference No. RN100221662 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-0911-AIR-E

PCW

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

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 38,583.40 lbs of CO, 7,173.90 lbs of NOx, and 29,317.00 lbs of VOC from the Cold Flare, EPN No. 11, during an emissions event (Incident No. 277253) that began on January 25, 2018 and lasted 55 hours and two minutes. The emissions event occurred due to an improperly torqued wire termination to the control valve positioner that caused an unexpected closure of an inlet control valve of the hydrocarbon feed to the Acetylene Reactor, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Based on the Air Quality Analysis Audit of the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

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 completed the corrective measures by April 2, 2020, prior to the NOE dated June 24, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,186

Violation Final Penalty Total \$8,550

This violation Final Assessed Penalty (adjusted for limits) \$8,550

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 59532
Reg. Ent. Reference No. RN100221662 (PCW No. 1 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	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)	\$20,000	25-Jan-2018	2-Apr-2020	2.19	\$2,186	n/a	\$2,186

Notes for DELAYED costs

Estimated delayed costs to replace the positioner on the inlet control valve to the second Acetylene Reactor D-1710B, properly torque the wire termination to the control valve, and conduct training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277253. The Date Required is the date the emissions event began 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
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

\$20,000

TOTAL

\$2,186



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	16-Dec-2020	Screening	17-Dec-2020	EPA Due	
	PCW	24-Apr-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Equistar Chemicals, LP
Reg. Ent. Ref. No.	RN100221662 (PCW No. 2 of 2)
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	59532	No. of Violations	3	
Docket No.	2020-0911-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Yuliya Dunaway	
		EC's Team	Enforcement Team 2	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$22,500
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Notes: Enhancement for one NOV with same/similar violations, five NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$6,420
 Estimated Cost of Compliance: \$75,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$41,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,250
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DEFERRAL	20.0%	Reduction	Adjustment	-\$8,250
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$33,000
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Screening Date 17-Dec-2020

Docket No. 2020-0911-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 4 (April 2014)

Case ID No. 59532

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100221662 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

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>)	1	5%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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	0	0%
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>)	3	-3%
	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>)	1	-2%
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) 110%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, five NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 110%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 17-Dec-2020

Docket No. 2020-0911-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 4 (April 2014)

Case ID No. 59532

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100221662 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 4682B and PSDTX761M3, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O1486, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions and failed to prevent visible emissions from exceeding 20 percent ("%") averaged over a six-minute period. Specifically, the Respondent experienced 90% opacity and released 1,633.18 pounds ("lbs") of volatile organic compounds ("VOC") from the Hot Flare, Emissions Point Number ("EPN") 10, experienced 90% opacity and released 16,520.72 lbs of VOC, 23,476.96 lbs of carbon monoxide ("CO"), and 4,423.41 lbs of nitrogen oxides ("NOx") from the Cold Flare, EPN 11, and released 69.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 262396) that began on July 5, 2017 and lasted 81 hours. The emissions event occurred due to debris inside the high-pressure Process Gas Compressor ("PGC") automated anti-surge/recycle valve that prevented the valve from functioning properly, resulting in release to the atmosphere and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Based on the Air Quality Analysis Audit of the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 4

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

The Respondent completed the corrective measures by September 20, 2018, prior to the Notice of Enforcement ("NOE") dated December 8, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,422

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. 59532
Reg. Ent. Reference No. RN100221662 (PCW No. 2 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	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)	\$40,000	5-Jul-2017	20-Sep-2018	1.21	\$2,422	n/a	\$2,422

Notes for DELAYED costs

Estimated delayed costs to implement a "Build it Clean" project to prevent debris from getting in the process equipment and piping and implement Standard Operating Procedures and Systems Application and Products Maintenance Plans in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 262396. The Date Required is the date the emissions event began 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

\$40,000

TOTAL

\$2,422

Screening Date 17-Dec-2020 **Docket No.** 2020-0911-AIR-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 4 (April 2014)*
Case ID No. 59532 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100221662 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 23,041.58 lbs of CO, 4,350.81 lbs of NOx, and 13,042.56 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 297224) that began on November 13, 2018 and lasted 50 hours and 30 minutes. The emissions event occurred when a tubing connection loosened during the repair of a leak that caused the automated process safety sequence to initiate and the Process Gas Compressor to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

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 completed the corrective measures by September 24, 2019, prior to the NOE dated January 14, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1,079 **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. 59532
Reg. Ent. Reference No. RN100221662 (PCW No. 2 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	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)	\$25,000	13-Nov-2018	24-Sep-2019	0.86	\$1,079	n/a	\$1,079

Notes for DELAYED costs

Estimated cost to label the root valves on the turbine extraction, update the Operations Discipline Manual to include specific instructions on handling routine maintenance on the tubing connection with specific requirements to trace from the point of origin to the destination, conduct training on the importance of tracing tubing or equipment connections prior to conducting maintenance, remove any unnecessary instrumentations, install independent taps on the triple redundant transmitters with common root valves, and label and car seal the root valves for the triple redundant transmitters in trip duty that have a common root valve isolation in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 297224. The Date Required is the date the emissions event began 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

\$25,000

TOTAL

\$1,079

Screening Date 17-Dec-2020 **Docket No.** 2020-0911-AIR-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 4 (April 2014)*
Case ID No. 59532 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100221662 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 20,681.90 lbs of CO, 3,846.78 lbs of NOx, and 15,231.80 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 277634) that began on January 30, 2018 and lasted 27 hours and 30 minutes. The emissions event occurred due to an improperly torqued wire termination that caused an inlet control valve for the hydrocarbon feed to the Acetylene Reactor to unexpectedly close during operation and activated an automated safety sequence, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Based on the Air Quality Analysis Audit of the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly 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 \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$2,919 **Violation Final Penalty Total** \$15,000
This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 59532
Reg. Ent. Reference No. RN100221662 (PCW No. 2 of 2)
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	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	30-Jan-2018	1-Dec-2023	5.84	\$2,919	n/a	\$2,919

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277634. The Date Required is the date the emissions event began 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

\$2,919



Compliance History Report

Compliance History Report for CN600124705, RN100221662, 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:	RN100221662, EQUISTAR CHEMICALS	Classification:	SATISFACTORY	Rating:	2.46
Complexity Points:	25	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	1501 MCKINZIE ROAD, CORPUS CHRISTI, NUECES COUNTY, TEXAS				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NE0051B
WASTEWATER PERMIT WQ0002075000
AIR NEW SOURCE PERMITS PERMIT 4682B
AIR NEW SOURCE PERMITS REGISTRATION 10664A
AIR NEW SOURCE PERMITS REGISTRATION 26401
AIR NEW SOURCE PERMITS REGISTRATION 51781
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761
AIR NEW SOURCE PERMITS REGISTRATION 78877
AIR NEW SOURCE PERMITS PERMIT 83864
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732M2
AIR NEW SOURCE PERMITS REGISTRATION 85148
AIR NEW SOURCE PERMITS REGISTRATION 95855
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M3
AIR NEW SOURCE PERMITS REGISTRATION 118685
AIR NEW SOURCE PERMITS REGISTRATION 131202
AIR NEW SOURCE PERMITS REGISTRATION 141992
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M4
UNDERGROUND INJECTION CONTROL PERMIT WDW152
STORMWATER PERMIT TXR05L891
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000836445
POLLUTION PREVENTION PLANNING ID NUMBER P00500

AIR OPERATING PERMITS PERMIT 1486
WASTEWATER EPA ID TX0076996
AIR NEW SOURCE PERMITS PERMIT 6745B
AIR NEW SOURCE PERMITS PERMIT 18358
AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0051B
AIR NEW SOURCE PERMITS AFS NUM 4835500089
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732
AIR NEW SOURCE PERMITS REGISTRATION 84759
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1120
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M2
AIR NEW SOURCE PERMITS REGISTRATION 101862
AIR NEW SOURCE PERMITS REGISTRATION 136589
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX32
AIR NEW SOURCE PERMITS REGISTRATION 109133
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX32M1
AIR NEW SOURCE PERMITS REGISTRATION 155067
UNDERGROUND INJECTION CONTROL PERMIT WDW153
AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE0051B
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31685
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1780061

TAX RELIEF ID NUMBER 23182
TAX RELIEF ID NUMBER 23183
TAX RELIEF ID NUMBER 23283
TAX RELIEF ID NUMBER 23280

TAX RELIEF ID NUMBER 23282
TAX RELIEF ID NUMBER 23181
TAX RELIEF ID NUMBER 23281
TAX RELIEF ID NUMBER 23284

Compliance History Period:	September 01, 2014 to August 31, 2019	Rating Year:	2019	Rating Date:	09/01/2019
Date Compliance History Report Prepared:	July 3, 2020				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	July 3, 2015 to July 3, 2020				

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

Name: Yuliya Dunaway **Phone:** (210) 403-4077

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: 11/05/2018 ADMINORDER 2017-1756-WDW-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)
Rqmt Prov: PP VIII(A) Monitoring and Testing PERMIT
Description: Failed to install and maintain continuous recording devices in proper operating condition at all times.
Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)
Rqmt Prov: PP VIII. Monitoring and Testing PERMIT
Description: Failed to install and maintain continuous recording devices in proper operating condition at all times.
- 2 Effective Date: 09/24/2019 ADMINORDER 2018-1429-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
Description: Failed to monitor to ensure that monochloramine is the prevailing species and that nitrification is controlled.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)
Description: Failed to operate the production, treatment, and distribution facilities at a public water system at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the executive director.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
Description: Failed to create a nitrification action plan (NAP).
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(2)
30 TAC Chapter 290, SubChapter D 290.45(f)(3)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to have a purchase water contract available in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 16, 2015	(1277972)
Item 2	August 17, 2015	(1284155)
Item 3	September 11, 2015	(1291311)
Item 5	October 15, 2015	(1297492)
Item 6	November 18, 2015	(1302935)
Item 7	November 24, 2015	(1294120)
Item 8	December 09, 2015	(1309922)
Item 9	December 28, 2015	(1288989)
Item 10	January 12, 2016	(1316679)
Item 11	February 10, 2016	(1326048)
Item 13	February 23, 2016	(1312000)
Item 14	March 10, 2016	(1332806)
Item 15	March 23, 2016	(1314439)
Item 16	April 07, 2016	(1339942)
Item 17	May 05, 2016	(1346758)
Item 18	June 13, 2016	(1353188)
Item 20	July 11, 2016	(1360154)
Item 21	August 12, 2016	(1366597)

Item 22	September 09, 2016	(1373279)
Item 23	September 22, 2016	(1362779)
Item 25	September 30, 2016	(1364291)
Item 26	October 11, 2016	(1379469)
Item 27	November 07, 2016	(1385417)
Item 28	December 03, 2016	(1391550)
Item 29	December 29, 2016	(1382356)
Item 30	January 11, 2017	(1398173)
Item 31	February 07, 2017	(1405066)
Item 32	February 14, 2017	(1390362)
Item 34	March 09, 2017	(1412148)
Item 35	April 13, 2017	(1418649)
Item 36	May 09, 2017	(1426311)
Item 37	May 15, 2017	(1410698)
Item 38	June 14, 2017	(1432294)
Item 39	July 18, 2017	(1440856)
Item 40	August 08, 2017	(1444544)
Item 41	September 27, 2017	(1437135)
Item 42	October 11, 2017	(1451133)
Item 43	October 17, 2017	(1446806)
Item 45	October 26, 2017	(1438840)
Item 46	November 08, 2017	(1462461)
Item 47	November 27, 2017	(1448528)
Item 48	December 14, 2017	(1455099)
Item 49	January 15, 2018	(1475558)
Item 50	February 05, 2018	(1487748)
Item 51	February 13, 2018	(1448002)
Item 52	February 21, 2018	(1467181)
Item 53	March 07, 2018	(1491431)
Item 54	April 16, 2018	(1480506)
Item 55	May 07, 2018	(1501631)
Item 56	May 10, 2018	(1483609)
Item 57	June 11, 2018	(1508721)
Item 58	July 03, 2018	(1515051)
Item 59	August 02, 2018	(1521102)
Item 60	September 07, 2018	(1528285)
Item 61	September 17, 2018	(1512380)
Item 62	October 11, 2018	(1534626)
Item 63	October 18, 2018	(1523642)
Item 64	October 24, 2018	(1524542)
Item 65	November 06, 2018	(1542460)
Item 66	November 12, 2018	(1525672)
Item 67	December 12, 2018	(1546224)
Item 68	December 27, 2018	(1537281)
Item 69	January 08, 2019	(1562745)
Item 70	January 16, 2019	(1531352)
Item 71	January 22, 2019	(1539138)
Item 72	January 24, 2019	(1539132)
Item 73	February 06, 2019	(1562743)
Item 74	February 22, 2019	(1549266)
Item 75	April 15, 2019	(1572838)
Item 76	May 06, 2019	(1585285)
Item 77	June 07, 2019	(1585286)
Item 78	July 03, 2019	(1594205)
Item 79	August 06, 2019	(1600497)
Item 80	September 06, 2019	(1607400)
Item 81	October 07, 2019	(1614279)
Item 82	October 16, 2019	(1597040)
Item 83	October 23, 2019	(1604183)
Item 84	November 13, 2019	(1609681)

Item 85	November 20, 2019	(1620071)
Item 86	December 09, 2019	(1627418)
Item 87	January 10, 2020	(1618207)
Item 88	January 17, 2020	(1635051)
Item 89	February 14, 2020	(1630454)
Item 90	February 23, 2020	(1631214)
Item 91	March 05, 2020	(1648179)
Item 92	March 25, 2020	(1637848)
Item 93	April 07, 2020	(1654527)
Item 94	May 05, 2020	(1638939)
Item 95	May 14, 2020	(1645261)
Item 96	June 09, 2020	(1652869)
Item 97	June 30, 2020	(1652795)

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: 05/29/2020 (1645632)
- Self Report? NO Classification: Moderate
- Citation: \PSDTX761M3 SC 21E PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.143(6)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THSC Chapter 382 382.085(b)
GTC OP
STC 17 OP
STC 1A OP
- Description: Failure to comply with applicable state and federal requirements for valves in Volatile Organic Compound (VOC) service.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 115, SubChapter B 115.112(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
5C THSC Chapter 382 382.085(b)
GTC OP
STC 1A OP
STC 1E OP
STC 4 OP
- Description: Failure to comply with applicable state and federal requirements for storage tanks in Volatile Organic Compound (VOC) service.
- Self Report? NO Classification: Moderate
- Citation: /PSDTX761M3 SC 10 PERMIT
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(b)(3)
5C THSC Chapter 382 382.085(b)
GTC OP
STC 17 OP
- Description: Failure to comply with applicable state and federal requirements for operations pertaining to a floating roof tank, Tank F-2005.
- Self Report? NO Classification: Moderate
- Citation: \PSDTX761M3 GC 14 PERMIT
\PSDTX761M3 GC 8 PERMIT
\PSDTX761M3 SC 13C PERMIT
\PSDTX761M3 SC 2 PERMIT
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)
GTC OP
STC 17 OP
- Description: Failure to comply with the hourly emissions rate for carbon monoxide (CO) listed in the Maximum Allowable Emission Rates Table (MAERT) of NSR

F. Environmental audits:

Notice of Intent Date: 03/29/2016 (1324356)

Disclosure Date: 09/21/2016

Viol. Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

Rqmt Prov: PERMIT NSR Permit 4682B, SC 23

Description: Failed to operate the Olefin Unit's Wet and Dry Flares (EPNs 10 and 11) at a minimum of 300 BRT/SCF during the shutdown for a scheduled turnaround. Specifically, during the shutdown, as the hydrocarbon was cleared from the Olefins process unit, the BTU value of the vent gas to the flare decreased due to lack of hydrocarbon content.

Notice of Intent Date: 09/26/2018 (1523291)

Disclosure Date: 03/14/2019

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(2)

Description: Failed to maintain documentation to demonstrate that end-of-the-day calibration drift assessments were conducted at the end of five days.

Viol. Classification: Minor

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

Rqmt Prov: OP Special Terms and Conditions No. 16

Description: Failed to conduct a single monthly opacity reading in August 2018 as required by the Periodic Monitoring Summary in Federal Operating Permit No. O1486.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(3)

Description: Failed to report annual capacity factor for the site Cogeneration Unit to regulatory agencies as required in 40 CFR § 60.49b(q)(1)-(3).

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Conditions No. 21.I.

Description: Failed to repair seven leaking components. Specifically, the seven components were on the Delay of Repair list, but upon further review, it was determined that the components could be repaired without a unit shutdown.

Viol. Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)

Description: Failed to maintain Underground Injection Control monitoring data for a 30-minute period for WDW-152 and WDW-153.

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



Compliance History Report

Compliance History Report for CN600124705, RN100221662, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600124705, Equistar Chemicals, LP **Classification:** SATISFACTORY **Rating:** 6.81
Regulated Entity: RN100221662, EQUISTAR CHEMICALS **Classification:** SATISFACTORY **Rating:** 6.91
Complexity Points: 27 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 1501 MCKINZIE ROAD, CORPUS CHRISTI, NUECES COUNTY, TEXAS
TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NE0051B PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1780061
AIR NEW SOURCE PERMITS PERMIT 6745B
AIR NEW SOURCE PERMITS PERMIT 18358
AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0051B
AIR NEW SOURCE PERMITS AFS NUM 4835500089
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732
AIR NEW SOURCE PERMITS REGISTRATION 84759
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1120
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M2
AIR NEW SOURCE PERMITS REGISTRATION 101862
AIR NEW SOURCE PERMITS REGISTRATION 136589
AIR NEW SOURCE PERMITS EPA PERMIT GHGSPSDTX32
AIR NEW SOURCE PERMITS EPA PERMIT GHGSPSDTX32M1
AIR NEW SOURCE PERMITS REGISTRATION 155067
UNDERGROUND INJECTION CONTROL PERMIT WDW153
WASTEWATER PERMIT WQ0002075000
WASTEWATER PERMIT TXG670449
POLLUTION PREVENTION PLANNING ID NUMBER P00500
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31685
TAX RELIEF ID NUMBER 23182
TAX RELIEF ID NUMBER 23183
TAX RELIEF ID NUMBER 23283
TAX RELIEF ID NUMBER 23280

AIR OPERATING PERMITS PERMIT 1486
AIR NEW SOURCE PERMITS PERMIT 4682B
AIR NEW SOURCE PERMITS REGISTRATION 10664A
AIR NEW SOURCE PERMITS REGISTRATION 26401
AIR NEW SOURCE PERMITS REGISTRATION 51781
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761
AIR NEW SOURCE PERMITS REGISTRATION 78877
AIR NEW SOURCE PERMITS PERMIT 83864
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732M2
AIR NEW SOURCE PERMITS REGISTRATION 85148
AIR NEW SOURCE PERMITS REGISTRATION 95855
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M3
AIR NEW SOURCE PERMITS REGISTRATION 118685
AIR NEW SOURCE PERMITS REGISTRATION 109133
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M4
UNDERGROUND INJECTION CONTROL PERMIT WDW152
STORMWATER PERMIT TXR05L891
WASTEWATER EPA ID TX0076996
AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE0051B
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000836445
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41677
TAX RELIEF ID NUMBER 23282
TAX RELIEF ID NUMBER 23181
TAX RELIEF ID NUMBER 23281
TAX RELIEF ID NUMBER 23284

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: March 20, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 20, 2018 to March 20, 2023

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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: 11/05/2018 ADMINORDER 2017-1756-WDW-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)
Rqmt Prov: PP VIII(A) Monitoring and Testing PERMIT
Description: Failed to install and maintain continuous recording devices in proper operating condition at all times.
Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)
Rqmt Prov: PP VIII. Monitoring and Testing PERMIT
Description: Failed to install and maintain continuous recording devices in proper operating condition at all times.

- 2 Effective Date: 09/24/2019 ADMINORDER 2018-1429-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
Description: Failed to monitor to ensure that monochloramine is the prevailing species and that nitrification is controlled.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)
Description: Failed to operate the production, treatment, and distribution facilities at a public water system at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the executive director.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
Description: Failed to create a nitrification action plan (NAP).
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(2)
30 TAC Chapter 290, SubChapter D 290.45(f)(3)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to have a purchase water contract available in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated.

- 3 Effective Date: 07/06/2020 ADMINORDER 2019-1491-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: PSDTX761M3, SC No. 2 PERMIT
STC No. 17 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: PSDTX761M3, SC No. 2 PERMIT
STC No. 17 OP
Description: Failed to prevent unauthorized emissions.

- 4 Effective Date: 10/27/2020 ADMINORDER 2020-0524-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property.

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	April 16, 2018	(1480506)
Item 2	May 07, 2018	(1501631)
Item 3	May 10, 2018	(1483609)
Item 4	June 11, 2018	(1508721)
Item 5	July 03, 2018	(1515051)
Item 6	August 02, 2018	(1521102)
Item 7	September 07, 2018	(1528285)
Item 8	September 17, 2018	(1512380)
Item 9	October 11, 2018	(1534626)
Item 10	October 18, 2018	(1523642)
Item 11	October 24, 2018	(1524542)
Item 12	November 06, 2018	(1542460)
Item 13	November 12, 2018	(1525672)
Item 14	December 12, 2018	(1546224)
Item 15	December 27, 2018	(1537281)
Item 16	January 08, 2019	(1562745)
Item 17	January 16, 2019	(1531352)
Item 18	January 22, 2019	(1539138)
Item 19	January 24, 2019	(1539132)
Item 20	February 06, 2019	(1562743)
Item 21	February 22, 2019	(1549266)
Item 22	April 15, 2019	(1572838)
Item 23	May 06, 2019	(1585285)
Item 24	June 07, 2019	(1585286)
Item 25	July 03, 2019	(1594205)
Item 26	August 06, 2019	(1600497)
Item 27	September 06, 2019	(1607400)
Item 28	October 07, 2019	(1614279)
Item 29	October 16, 2019	(1597040)
Item 30	October 23, 2019	(1604183)
Item 31	November 13, 2019	(1609681)
Item 32	November 20, 2019	(1620071)
Item 33	December 09, 2019	(1627418)
Item 34	January 10, 2020	(1618207)
Item 35	January 17, 2020	(1635051)
Item 36	February 14, 2020	(1630454)
Item 37	February 23, 2020	(1631214)
Item 38	March 05, 2020	(1648179)
Item 39	March 25, 2020	(1637848)
Item 40	April 07, 2020	(1654527)
Item 41	May 05, 2020	(1638939)
Item 42	May 11, 2020	(1661097)
Item 43	May 14, 2020	(1645261)
Item 44	June 04, 2020	(1667627)
Item 45	June 09, 2020	(1652869)
Item 46	June 30, 2020	(1652795)
Item 47	July 09, 2020	(1674575)
Item 48	August 04, 2020	(1665916)
Item 49	August 10, 2020	(1681347)
Item 50	September 09, 2020	(1687923)
Item 51	October 08, 2020	(1694271)
Item 53	October 16, 2020	(1678694)
Item 54	November 05, 2020	(1715444)

Item 55	November 24, 2020	(1691815)
Item 56	December 04, 2020	(1715445)
Item 57	December 11, 2020	(1690467)
Item 58	January 12, 2021	(1715446)
Item 59	February 02, 2021	(1728516)
Item 60	February 25, 2021	(1703120)
Item 61	March 03, 2021	(1728517)
Item 62	April 06, 2021	(1707494)
Item 63	April 15, 2021	(1728518)
Item 64	May 13, 2021	(1703994)
Item 65	June 08, 2021	(1741549)
Item 67	July 02, 2021	(1752697)
Item 68	August 05, 2021	(1758110)
Item 69	August 16, 2021	(1724022)
Item 70	September 08, 2021	(1767365)
Item 71	October 07, 2021	(1764565)
Item 72	October 11, 2021	(1777824)
Item 73	November 04, 2021	(1771749)
Item 74	December 07, 2021	(1791653)
Item 75	January 19, 2022	(1799495)
Item 76	January 21, 2022	(1783469)
Item 77	February 08, 2022	(1774782)
Item 78	February 09, 2022	(1807327)
Item 79	March 03, 2022	(1795205)
Item 80	March 10, 2022	(1814379)
Item 81	April 13, 2022	(1820949)
Item 82	April 26, 2022	(1810539)
Item 83	May 04, 2022	(1829782)
Item 84	June 16, 2022	(1836082)
Item 85	August 18, 2022	(1849448)
Item 86	October 05, 2022	(1863570)
Item 87	November 03, 2022	(1870480)
Item 88	November 04, 2022	(1854551)
Item 89	December 20, 2022	(1861707)
Item 90	February 14, 2023	(1875126)
Item 91	February 26, 2023	(1880017)

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: 06/30/2022 (1843281)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 08/30/2022 (1833219)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
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 VVa 60.482-6a
5C THSC Chapter 382 382.085(b)
GCs & SC 21E PA
GCs + SC 21E PA
GTCs + STC 1 + STC 17 OP
Description: Failure to equip each open-ended line (OEL) with an appropriately sized cap, blind flange, plug, or a second valve to seal the line.

- 3 Date: 08/31/2022 (1857214)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

4 Date: 11/30/2022 (1876334)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 12/31/2022 (1883148)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

6 Date: 02/28/2023 (1873150)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)
Description: Failed to use an approved backflow prevention test report.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
Description: Failed to certify that all backflow prevention assemblies installed to provide protection against health hazards are operating within specifications.

F. Environmental audits:

Notice of Intent Date: 09/26/2018 (1523291)

Disclosure Date: 03/14/2019

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(2)

Description: Failed to maintain documentation to demonstrate that end-of-the-day calibration drift assessments were conducted at the end of five days.

Viol. Classification: Minor

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

Rqmt Prov: OP Special Terms and Conditions No. 16

Description: Failed to conduct a single monthly opacity reading in August 2018 as required by the Periodic Monitoring Summary in Federal Operating Permit No. O1486.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(3)

Description: Failed to report annual capacity factor for the site Cogeneration Unit to regulatory agencies as required in 40 CFR § 60.49b(q)(1)-(3).

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Conditions No. 21.I.

Description: Failed to repair seven leaking components. Specifically, the seven components were on the Delay of Repair list, but upon further review, it was determined that the components could be repaired without a unit shutdown.

Viol. Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)

Description: Failed to maintain Underground Injection Control monitoring data for a 30-minute period for WDW-152 and WDW-153.

Notice of Intent Date: 06/11/2021 (1736654)

No DOV Associated

Notice of Intent Date: 09/28/2021 (1765076)

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

Reg Entity Add: 1501 MCKINZIE RD

Reg Entity City: CORPUS CHRISTI

Reg Entity No: RN100221662

EPA Case No: 07-2022-3395

Order Issue Date (yyyymmdd): 20211013

Case Result:

Statute: CAA **Sect of Statute:** 110

Classification: Major

Program: Federal Implementation **Citation:**

Violation National Emission Standard For

Hazardous Air Pollutant

Cite Sect:

Plan for

National Primary

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil
Judicial Action

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100221662

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2020-0911-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 1501 McKinzie Road in Corpus Christi, Nueces 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 \$58,350 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$46,680 of the penalty and \$11,670 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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. By September 20, 2018, implemented a "Build it Clean" project to prevent debris from getting in the process equipment and piping and implement Standard Operating Procedures and Systems Application and Products Maintenance Plans in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 262396;
 - b. By September 24, 2019, labeled the root valves on the turbine extraction, updated the Operations Discipline Manual to include specific instructions on handling routine maintenance on the tubing connection with specific requirements to trace from the point of origin to the destination, conducted training on the importance of tracing tubing or equipment connections prior to conducting maintenance, removed any unnecessary instrumentations, installed independent taps on the triple redundant transmitters with common root valves, and labeled and car sealed the root valves for the triple redundant transmitters in trip duty that have a common root valve isolation in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 297224;
 - c. By April 2, 2020, replaced the positioner on the inlet control valve to the second Acetylene Reactor D-1710B, properly torqued the wire termination to the control valve, and conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277253; and
 - d. By April 2, 2020, added and/or reconfigured the high-pressure alarm, temperature indicator, cooling water valve components, and refrigerant drum level transmitter for the Propylene Refrigerant Surge Drum and updated the operating procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 262151.

II. ALLEGATIONS

1. During a record review for the Plant conducted on April 22, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review

("NSR") Permit Nos. 4682B and PSDTX761M3, Special Conditions ("SC") No. 2, Federal Operating Permit ("FOP") No. O1486, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 80 percent ("%") opacity and released 68,472.87 pounds ("lbs") of carbon monoxide ("CO"), 12,948.80 lbs of nitrogen oxides ("NOx"), and 45,912.94 lbs of volatile organic compounds ("VOC") from the Cold Flare, Emissions Point Number ("EPN") 11, and experienced 80% opacity and released 3,057.39 lbs of VOC from the Hot Flare, EPN 10, during an emissions event (Incident No. 262151) that began on June 29, 2017 and lasted 123 hours and ten minutes. The emissions event occurred due to the sudden increase of city water flow, the incorrectly installation of three out of eight cooling water valves during the turnaround/expansion project, the calibration of the Propylene Refrigerant Surge Drum level transmitter with an inaccurate specific gravity for propylene during the turnaround/expansion project, the propylene make-up valve to the Propylene Refrigerant Surge Drum letting propylene into the drum, and daylight heating increasing the cooling water temperature to the Propylene Refrigerant Condensers that caused the unexpected shutdown of the propylene product compressor, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

- b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 38,583.40 lbs of CO, 7,173.90 lbs of NOx, and 29,317.00 lbs of VOC from the Cold Flare, EPN No. 11, during an emissions event (Incident No. 277253) that began on January 25, 2018 and lasted 55 hours and two minutes. The emissions event occurred due to an improperly torqued wire termination to the control valve positioner that caused an unexpected closure of an inlet control valve of the hydrocarbon feed to the Acetylene Reactor, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review for the Plant conducted from May 28, 2019 through June 11, 2019, an investigator documented that the Respondent failed to prevent unauthorized emissions and failed to prevent visible emissions from exceeding 20% averaged over a six-minute period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 90% opacity and released 1,633.18 lbs of VOC from the Hot Flare, EPN 10, experienced 90% opacity and released 16,520.72 lbs of VOC, 23,476.96 lbs of CO, and 4,423.41 lbs of NOx from the Cold Flare, EPN 11, and released 69.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 262396) that began on July 5, 2017 and lasted 81 hours. The emissions event occurred due to debris inside the high-pressure Process Gas Compressor ("PGC") automated anti-surge/recycle valve

that prevented the valve from functioning properly, resulting in release to the atmosphere and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. During a record review for the Plant conducted from January 14, 2020 through January 21, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 23,041.58 lbs of CO, 4,350.81 lbs of NO_x, and 13,042.56 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 297224) that began on November 13, 2018 and lasted 50 hours and 30 minutes. The emissions event occurred when a tubing connection loosened during the repair of a leak that caused the automated process safety sequence to initiate and the Process Gas Compressor to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During a record review for the Plant conducted from November 4, 2020 through November 5, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 4682B and PSDTX761M3, SC No. 2, FOP No. O1486, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 20,681.90 lbs of CO, 3,846.78 lbs of NO_x, and 15,231.80 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 277634) that began on January 30, 2018 and lasted 27 hours and 30 minutes. The emissions event occurred due to an improperly torqued wire termination that caused an inlet control valve for the hydrocarbon feed to the Acetylene Reactor to unexpectedly close during operation and activated an automated safety sequence, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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. 2020-0911-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 undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277634.
 - 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. 2.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:

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

with a copy to:

Air Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline, Suite 500
Corpus Christi, Texas 78401

3. All relief not expressly granted in this Order is denied.
4. 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.

5. 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.
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 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 Enforcement Division at the address listed above.
7. 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.
8. 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/5/2023


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 OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

May 8, 2023

Date

Cheri DuBuc

CCO Operations Manager

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

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.