

**Executive Summary – Enforcement Matter – Case No. 60132**

**Equistar Chemicals, LP**

**RN100542281**

**Docket No. 2020-1543-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 Channelview Complex, 8280 Sheldon Road, Channelview, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2021-0410-AIR-E and 2022-0907-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 28, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$187,773

**Amount Deferred for Expedited Settlement:** \$37,553

**Total Paid to General Revenue:** \$75,110

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$75,110

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

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 5, 2018 through November 27, 2018 and September 8, 2020 through November 18, 2020

**Date(s) of NOE(s):** February 13, 2019 and November 24, 2020

**Executive Summary – Enforcement Matter – Case No. 60132**  
**Equistar Chemicals, LP**  
**RN100542281**  
**Docket No. 2020-1543-AIR-E**

***Violation Information***

1. Failed to conduct Leak Detection and Repair ("LDAR") monitoring. Specifically, the Respondent did not conduct quarterly LDAR monitoring for 23 pumps that were in volatile organic compounds ("VOC") service from the fourth quarter of 2004 to the fourth quarter of 2017 and did not conduct monthly LDAR monitoring for 15 of those pumps that were also in light liquid service from September 2004 to December 2017 [30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.130, 115.354(2)(B), 115.781(b), 116.115(c), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.163(b)(1); New Source Review ("NSR") Permit Nos. 1768, PSDTX1272, and N142, Special Conditions ("SC") No. 14.G, NSR Permit No. 2128, SC 16.G, NSR Permit Nos. 2933, PSDTX1270, and N140, SC No. 15.G, NSR Permit No. 2936, SC No. 8.G, NSR Permit No. 6387, SC No. 6.G, and NSR Permit No. 24677, SC No. 11.G; Federal Operating Permit ("FOP") No. O1426, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 38; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to conduct LDAR monitoring. Specifically, the Respondent did not conduct monthly LDAR monitoring for one pump that was in VOC service from April 1, 2014 through May 31, 2019 and did not conduct quarterly LDAR monitoring for one valve and seven connectors that were in VOC service from April 1, 2014 through March 31, 2019 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.130, 113.390, 115.354(2), 115.354(2)(C), and 122.143(4); 40 CFR §§ 63.163(b)(1), 63.168(b), 63.174(b), and 63.769(c); FOP No. O1426, GTC and STC No. 1.A; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Conducted quarterly LDAR monitoring for 23 pumps in VOC service and monthly LDAR monitoring for 15 of those pumps in light liquid service, by February 5, 2018; and
- b. Added one pump, one valve, and seven connectors to the LDAR tracking software; conducted monthly LDAR monitoring for one pump in VOC service; and conducted quarterly LDAR monitoring for one valve and seven connectors in VOC service, by June 3, 2019.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

**Executive Summary – Enforcement Matter – Case No. 60132**  
**Equistar Chemicals, LP**  
**RN100542281**  
**Docket No. 2020-1543-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amanda Diaz, Enforcement Division, Enforcement Team 2, MC 219, (713) 422-8912; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

**Respondent:** Christopher Cain, Site Manager, Equistar Chemicals, LP, P.O Box 777, Channelview, Texas 77530

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	19-Feb-2019	<b>Screening</b>	11-Mar-2019	<b>EPA Due</b>	
	<b>PCW</b>	19-Aug-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Equistar Chemicals, LP
<b>Reg. Ent. Ref. No.</b>	RN100542281 (PCW No. 1)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60132	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-1543-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$28,000</b>
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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.

<b>Compliance History</b>	<b>91.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$25,480</b>
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Notes: Enhancement for one NOV with the same or similar violations, three NOVs with dissimilar violations, and five orders with a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$7,000</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$554  
 Estimated Cost of Compliance: \$404  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$46,480</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>1.2%</b>	<b>Adjustment</b>	<b>\$548</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation No. 1.

<b>Final Penalty Amount</b>	<b>\$47,028</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$47,028</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>-\$9,405</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$37,623</b>
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**Screening Date** 11-Mar-2019

**Docket No.** 2020-1543-AIR-E

**PCW**

**Respondent** Equistar Chemicals, LP

Policy Revision 2 (September 2002)

**Case ID No.** 60132

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100542281 (PCW No. 1)

**Media** Air

**Enf. Coordinator** Amanda Diaz

### 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	3	6%
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> )	8	-8%
	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> )	6	-12%
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)** 91%

#### >> 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 the same or similar violations, three NOVs with dissimilar violations, and five orders with a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 91%

**Screening Date** 11-Mar-2019 **Docket No.** 2020-1543-AIR-E **PCW**  
**Respondent** Equistar Chemicals, LP *Policy Revision 2 (September 2002)*  
**Case ID No.** 60132 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100542281 (PCW No. 1)  
**Media** Air  
**Enf. Coordinator** Amanda Diaz

**Violation Number** 1

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 101.20(2) and (3), 113.130, 115.354(2)(B), 115.781(b), 116.115(c), and 122.143(4); 40 Code of Federal Regulations § 63.163(b)(1); New Source Review ("NSR") Permit Nos. 1768, PSDTX1272, and N142, Special Conditions ("SC") No. 14.G, NSR Permit No. 2128, SC 16.G, NSR Permit Nos. 2933, PSDTX1270, and N140, SC No. 15.G, NSR Permit No. 2936, SC No. 8.G, and NSR Permit No. 6387, SC No. 6.G; Federal Operating Permit No. O1426, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 38; and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to conduct Leak Detection and Repair ("LDAR") monitoring. Specifically, the Respondent did not conduct quarterly LDAR monitoring for 14 pumps that were in volatile organic compounds ("VOC") service from the fourth quarter of 2004 to the second quarter of 2011 and did not conduct monthly LDAR monitoring for seven of those pumps that were also in light liquid service from September 2004 to August 2011 as indicated in the attached LDAR Monitoring Table.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			x	

**>> Programmatic Matrix**

	Falsification			Percent
	Major	Moderate	Minor	
				0%

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

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 28 2555 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$28,000

Twenty-eight single events are recommended (one event for each calendar quarter that was missed from September 1, 2004 through August 31, 2011).

**Good Faith Efforts to Comply** 25.0% Reduction \$7,000

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

**Notes**  
 The Respondent completed the corrective actions on February 5, 2018, prior to the Notice of Enforcement dated February 13, 2019.

**Violation Subtotal** \$21,000

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

**Estimated EB Amount** \$548 **Violation Final Penalty Total** \$47,028

**This violation Final Assessed Penalty (adjusted for limits)** \$47,028

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 60132  
**Reg. Ent. Reference No.** RN100542281 (PCW No. 1)  
**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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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)	\$400	31-Aug-2011	15-Feb-2018	6.47	\$148	\$400	\$548
Notes for AVOIDED costs Estimated avoided costs to conduct quarterly LDAR monitoring for 14 pumps in VOC service and monthly LDAR monitoring for seven pumps in light liquid service plus accrued interest (\$0.65/monitoring x 520 missed monitorings plus \$62.00 in interest that began accruing from the end of each calendar month from September 2004 through July 2011). The Date Required is the last day the monthly monitorings could have been conducted in August 2011. The Final Date is the date of compliance.							

Approx. Cost of Compliance \$400

**TOTAL** \$548



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	19-Feb-2019	<b>Screening</b>	11-Mar-2019	<b>EPA Due</b>	
	<b>PCW</b>	19-Aug-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Equistar Chemicals, LP				
<b>Reg. Ent. Ref. No.</b>	RN100542281 (PCW No. 2)				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60132	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-1543-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$45,500</b>
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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.

<b>Compliance History</b>	<b>91.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$41,405</b>
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Notes: Enhancement for one NOV with the same or similar violations, three NOVs with dissimilar violations, and five orders with a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$11,375</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$738  
 Estimated Cost of Compliance: \$734  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$75,530</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>1.0%</b> Adjustment	<b>\$738</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation No. 1.

<b>Final Penalty Amount</b>	<b>\$76,268</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$76,268</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$15,253</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$61,015</b>
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**Screening Date** 11-Mar-2019

**Docket No.** 2020-1543-AIR-E

**PCW**

**Respondent** Equistar Chemicals, LP

Policy Revision 4 (April 2014)

**Case ID No.** 60132

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN100542281 (PCW No. 2)

**Media** Air

**Enf. Coordinator** Amanda Diaz

### 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	3	6%
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> )	8	-8%
	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> )	6	-12%
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)** 91%

#### >> 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 the same or similar violations, three NOVs with dissimilar violations, and five orders with a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 91%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 91%

**Screening Date** 11-Mar-2019 **Docket No.** 2020-1543-AIR-E **PCW**  
**Respondent** Equistar Chemicals, LP *Policy Revision 4 (April 2014)*  
**Case ID No.** 60132 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN100542281 (PCW No. 2)  
**Media** Air  
**Enf. Coordinator** Amanda Diaz

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(2) and (3), 113.130, 115.354(2)(B), 115.781(b), 116.115(c), and 122.143(4); 40 Code of Federal Regulations § 63.163(b)(1); New Source Review ("NSR") Permit Nos. 1768, PSDTX1272, and N142, Special Conditions ("SC") No. 14.G, NSR Permit No. 2128, SC 16.G, NSR Permit Nos. 2933, PSDTX1270, and N140, SC No. 15.G, NSR Permit No. 2936, SC No. 8.G, NSR Permit No. 6387, SC No. 6.G, and NSR Permit No. 24677, SC No. 11.G; Federal Operating Permit No. O1426, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 38; and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to conduct Leak Detection and Repair ("LDAR") monitoring. Specifically, the Respondent did not conduct quarterly LDAR monitoring for 22 pumps that were in volatile organic compounds ("VOC") service from the third quarter of 2011 to the fourth quarter of 2017 and did not conduct monthly LDAR monitoring for 14 of those pumps that were also in light liquid service from September 2011 to December 2017 as indicated in the attached LDAR Monitoring Table.  
**Base Penalty** \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			x	

  
**>> Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

  
**Matrix Notes** Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  
**Adjustment** \$23,250  
**Final Penalty** \$1,750

**Violation Events**  
 Number of Violation Events: 26      2313 Number of violation days  

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

  
**Violation Base Penalty** \$45,500  
 Twenty-six single events are recommended (one event for each calendar quarter that was missed from September 1, 2011 through December 31, 2017).

**Good Faith Efforts to Comply** 25.0% Reduction \$11,375  

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

  
**Notes** The Respondent completed the corrective actions on February 5, 2018, prior to the Notice of Enforcement dated February 13, 2019.  
**Violation Subtotal** \$34,125

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**  
**Estimated EB Amount** \$738      **Violation Final Penalty Total** \$76,268  
**This violation Final Assessed Penalty (adjusted for limits)** \$76,268

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 60132  
**Reg. Ent. Reference No.** RN100542281 (PCW No. 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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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)	\$734	31-Dec-2017	5-Feb-2018	0.10	\$4	\$734	\$738
Notes for AVOIDED costs							
Estimated avoided costs to conduct quarterly LDAR monitoring for 22 pumps in VOC service and monthly LDAR monitoring for 14 pumps in light liquid service plus accrued interest (\$0.65/monitoring x 987 missed monitorings plus \$92.45 in interest that began accruing from the end of each calendar month from September 2011 through November 2017). The Date Required is the last day the monthly or quarterly monitorings could have been completed in December of 2017. The Final Date is the date of compliance.							

Approx. Cost of Compliance \$734

**TOTAL** \$738



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	1-Dec-2020	<b>Screening</b>	3-Dec-2020	<b>EPA Due</b>	
	<b>PCW</b>	19-Aug-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Equistar Chemicals, LP
<b>Reg. Ent. Ref. No.</b>	RN100542281 (PCW No. 3)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60132	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-1543-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$36,750
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
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<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$36,750
<b>Notes</b>	Enhancement for one NOV with same or similar violations, four NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.			

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$9,187
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$164	*Capped at the Total EB \$ Amount		
Estimated Cost of Compliance	\$164			

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$64,313
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.3%	Adjustment	\$164
Reduces or enhances the Final Subtotal by the indicated percentage.			

<b>Notes</b>	Enhancement to capture the avoided costs of compliance associated with for Violation No. 1.	<b>Final Penalty Amount</b>	\$64,477
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$64,477
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$12,895
Reduces the Final Assessed Penalty by the indicated percentage.				

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$51,582
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**Screening Date** 3-Dec-2020

**Docket No.** 2020-1543-AIR-E

**PCW**

**Respondent** Equistar Chemicals, LP

*Policy Revision 4 (April 2014)*

**Case ID No.** 60132

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN100542281 (PCW No. 3)

**Media** Air

**Enf. Coordinator** Amanda Diaz

### 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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	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> )	8	-8%
	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> )	6	-12%
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)** 113%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one NOV with same or similar violations, four NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 113%

#### >> Final Compliance History Adjustment

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

**Screening Date** 3-Dec-2020  
**Respondent** Equistar Chemicals, LP  
**Case ID No.** 60132  
**Reg. Ent. Reference No.** RN100542281 (PCW No. 3)  
**Media** Air  
**Enf. Coordinator** Amanda Diaz

**Docket No.** 2020-1543-AIR-E

**PCW**

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

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(2), 113.130, 113.390, 115.354(2), 115.354(2)(C), and 122.143(4); 40 Code of Federal Regulations §§ 63.163(b)(1), 63.168(b), 63.174(b), and 63.769(c); Federal Operating Permit No. 01426, General Terms and Conditions and Special Terms and Conditions No. 1.A; and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to conduct Leak Detection and Repair ("LDAR") monitoring. Specifically, the Respondent did not conduct monthly LDAR monitoring for one pump that was in volatile organic compounds ("VOC") service from April 1, 2014 through May 31, 2019 and did not conduct quarterly LDAR monitoring for one valve and seven connectors that were in VOC service from April 1, 2014 through March 31, 2019.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

**Adjustment** \$23,250

\$1,750

**Violation Events**

Number of Violation Events 21 1886 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$36,750

Twenty-one single events are recommended (one event for each calendar quarter that was missed from April 1, 2014 through May 31, 2019).

**Good Faith Efforts to Comply**

25.0%

Reduction \$9,187

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

Notes

The Respondent achieved compliance on June 3, 2019, prior to the Notice of Enforcement dated November 24, 2020.

**Violation Subtotal** \$27,563

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$164

**Violation Final Penalty Total** \$64,477

**This violation Final Assessed Penalty (adjusted for limits)** \$64,477

## Economic Benefit Worksheet

**Respondent** Equistar Chemicals, LP  
**Case ID No.** 60132  
**Reg. Ent. Reference No.** RN100542281 (PCW No. 3)  
**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

46				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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							

### 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)	\$164	31-May-2019	3-Jun-2019	0.01	\$0	\$164	\$164
Notes for AVOIDED costs Estimated avoided costs to conduct monthly LDAR monitoring for one pump in VOC service and quarterly LDAR monitoring for one valve and seven connectors in VOC service plus the accrued interest (\$0.65/component per monitoring x 62 missed monitorings plus \$19.70 in interest that began accruing from the end of each calendar month from April 30, 2014 through May 31, 2019). The Date Required is the last day the monitoring could have been conducted in May 2019 and the Final Date is the date of compliance.							

Approx. Cost of Compliance

\$164

**TOTAL**

\$164

**Equistar Chemicals, LP**  
**Docket No. 2019-0341-AIR-E; Case ID No. 57399**

<b>LDAR Monitoring Table for PCW No. 1 Revision 2</b>						
NSR Permit No(s).	Pump ID No.	Period of Non-compliance		Compliance Date	Type of Service	
		From	To		Light Liquid (Monthly)	VOC (Quarterly)
1768, PSDTX1272, and N142	P-3916A	10/1/2004	6/30/2011	2/5/2018		√
	P-3916B	10/1/2004	6/30/2011	2/5/2018		√
	P-3919A	9/1/2004	8/31/2011	1/28/2018	√	√
2128	P-328	9/1/2004	8/31/2011	1/28/2018	√	√
	P-807A	1/1/2011	8/31/2011	1/28/2018	√	√
	P-807B	1/1/2011	8/31/2011	1/28/2018	√	√
2933, PSDTX1270, and N140	P-48304B	1/1/2009	8/31/2011	1/29/2018	√	√
	P-48306A	10/1/2004	6/30/2011	2/5/2018		√
	P-48306B	10/1/2004	6/30/2011	2/5/2018		√
	P-4915A	10/1/2004	6/30/2011	2/5/2018		√
	P-4915B	10/1/2004	6/30/2011	2/5/2018		√
	P-4916B	10/1/2004	6/30/2011	2/5/2018		√
2936	P-3137A	9/1/2004	8/31/2011	1/28/2018	√	√
6387	P-4207B	9/1/2004	8/31/2011	4/29/2008	√	√

√ = Applicable



**Equistar Chemicals, LP**  
**Docket No. 2019-0341-AIR-E; Case ID No. 57399**

LDAR Monitoring Table for PCW No. 2 Revision 4						
NSR Permit No(s).	Pump ID No.	Period of Non-compliance		Compliance Date	Type of Service	
		From	To		Light Liquid (Monthly)	VOC (Quarterly)
1768, PSDTX1272, and N142	P-3458	1/1/2012	12/31/2017	2/5/2018		√
	P-3709A	2/1/2013	12/31/2017	1/28/2018	√	√
	P-3709B	7/1/2013	12/31/2017	1/28/2018	√	√
	P-3916A	7/1/2011	12/31/2017	2/5/2018		√
	P-3916B	7/1/2011	12/31/2017	2/5/2018		√
	P-3919A	9/1/2011	12/31/2017	1/28/2018	√	√
2128	P-328	9/1/2011	12/31/2017	1/28/2018	√	√
	P-627B	10/1/2015	12/31/2017	1/28/2018	√	√
	P-0711	2/1/2014	12/31/2017	1/28/2018	√	√
	P-0713	10/1/2015	12/31/2017	1/28/2018	√	√
	P-807A	9/1/2011	12/31/2017	1/28/2018	√	√
	P-807B	9/1/2011	12/31/2017	1/28/2018	√	√
2933, PSDTX1270, and N140	P-48304B	9/1/2011	12/31/2017	1/29/2018	√	√
	P-48306A	7/1/2011	12/31/2017	2/5/2018		√
	P-48306B	7/1/2011	12/31/2017	2/5/2018		√
	P-4915A	7/1/2011	12/31/2017	2/5/2018		√
	P-4915B	7/1/2011	12/31/2017	2/5/2018		√
	P-4916B	7/1/2011	12/31/2017	2/5/2018		√
2936	P-3137A	9/1/2011	12/31/2017	1/28/2018	√	√
6387	P-4208A	7/1/2014	12/31/2017	1/28/2018	√	√
	P-4208B	7/1/2014	12/31/2017	1/28/2018	√	√
24677	P-2847	10/1/2015	12/31/2017	1/28/2018	√	√

√ = Applicable

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# TCEQ Compliance History Report

Compliance History Report for CN600124705, RN100542281, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600124705, Equistar Chemicals, LP	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	3.38
<b>Regulated Entity:</b>	RN100542281, EQUISTAR CHEMICALS CHANNELVIEW COMPLEX	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	4.06
<b>Complexity Points:</b>	47	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	8280 SHELDON RD CHANNELVIEW, TX 77530-2693, HARRIS COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0033B

**AIR OPERATING PERMITS** PERMIT 3585

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID

TXD058275769

**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50117

**INDUSTRIAL AND HAZARDOUS WASTE** OTS REQUEST  
37001

**WASTEWATER** EPA ID TX0003531

**AIR NEW SOURCE PERMITS** PERMIT 1768

**AIR NEW SOURCE PERMITS** PERMIT 2933

**AIR NEW SOURCE PERMITS** PERMIT 3130A

**AIR NEW SOURCE PERMITS** PERMIT 6245

**AIR NEW SOURCE PERMITS** PERMIT 8125

**AIR NEW SOURCE PERMITS** REGISTRATION 10700

**AIR NEW SOURCE PERMITS** REGISTRATION 11735

**AIR NEW SOURCE PERMITS** REGISTRATION 13849

**AIR NEW SOURCE PERMITS** REGISTRATION 12341

**AIR NEW SOURCE PERMITS** REGISTRATION 23079

**AIR NEW SOURCE PERMITS** PERMIT 24887

**AIR NEW SOURCE PERMITS** REGISTRATION 32136

**AIR NEW SOURCE PERMITS** REGISTRATION 42948

**AIR NEW SOURCE PERMITS** REGISTRATION 50141

**AIR NEW SOURCE PERMITS** REGISTRATION 52720

**AIR NEW SOURCE PERMITS** REGISTRATION 76017

**AIR NEW SOURCE PERMITS** AFS NUM 4820100075

**AIR NEW SOURCE PERMITS** PERMIT 49130

**AIR NEW SOURCE PERMITS** REGISTRATION 74110

**AIR NEW SOURCE PERMITS** REGISTRATION 72946

**AIR NEW SOURCE PERMITS** REGISTRATION 74181

**AIR NEW SOURCE PERMITS** REGISTRATION 74949

**AIR NEW SOURCE PERMITS** REGISTRATION 76693

**AIR NEW SOURCE PERMITS** REGISTRATION 78278

**AIR NEW SOURCE PERMITS** REGISTRATION 78191

**AIR NEW SOURCE PERMITS** REGISTRATION 78381

**AIR NEW SOURCE PERMITS** REGISTRATION 78599

**AIR NEW SOURCE PERMITS** REGISTRATION 80296

**AIR NEW SOURCE PERMITS** REGISTRATION 82226

**AIR NEW SOURCE PERMITS** PERMIT 83799

**AIR OPERATING PERMITS** PERMIT 1426

**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00405

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE

REGISTRATION # (SWR) 30030

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID

TXP490351669

**WASTEWATER** PERMIT WQ0000391000

**AIR NEW SOURCE PERMITS** AFS NUM 4820101886

**AIR NEW SOURCE PERMITS** PERMIT 2128

**AIR NEW SOURCE PERMITS** PERMIT 2936

**AIR NEW SOURCE PERMITS** PERMIT 3294

**AIR NEW SOURCE PERMITS** PERMIT 6387

**AIR NEW SOURCE PERMITS** REGISTRATION 10586

**AIR NEW SOURCE PERMITS** REGISTRATION 10812

**AIR NEW SOURCE PERMITS** REGISTRATION 12334

**AIR NEW SOURCE PERMITS** REGISTRATION 15348

**AIR NEW SOURCE PERMITS** PERMIT 22779

**AIR NEW SOURCE PERMITS** PERMIT 24677

**AIR NEW SOURCE PERMITS** REGISTRATION 30868

**AIR NEW SOURCE PERMITS** REGISTRATION 34897

**AIR NEW SOURCE PERMITS** REGISTRATION 47487

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0033B

**AIR NEW SOURCE PERMITS** REGISTRATION 54098

**AIR NEW SOURCE PERMITS** REGISTRATION 153580

**AIR NEW SOURCE PERMITS** PERMIT 49120

**AIR NEW SOURCE PERMITS** REGISTRATION 144030

**AIR NEW SOURCE PERMITS** REGISTRATION 72948

**AIR NEW SOURCE PERMITS** REGISTRATION 74051

**AIR NEW SOURCE PERMITS** REGISTRATION 74944

**AIR NEW SOURCE PERMITS** REGISTRATION 77640

**AIR NEW SOURCE PERMITS** REGISTRATION 78128

**AIR NEW SOURCE PERMITS** REGISTRATION 78343

**AIR NEW SOURCE PERMITS** REGISTRATION 78173

**AIR NEW SOURCE PERMITS** REGISTRATION 79431

**AIR NEW SOURCE PERMITS** REGISTRATION 78978

**AIR NEW SOURCE PERMITS** REGISTRATION 81543

**AIR NEW SOURCE PERMITS** REGISTRATION 84079

**AIR NEW SOURCE PERMITS** REGISTRATION 84183

**AIR NEW SOURCE PERMITS** REGISTRATION 84715  
**AIR NEW SOURCE PERMITS** REGISTRATION 95981  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1272  
**AIR NEW SOURCE PERMITS** REGISTRATION 96384  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1270  
**AIR NEW SOURCE PERMITS** EPA PERMIT N146  
**AIR NEW SOURCE PERMITS** EPA PERMIT N144  
**AIR NEW SOURCE PERMITS** REGISTRATION 101590  
**AIR NEW SOURCE PERMITS** REGISTRATION 140033  
**AIR NEW SOURCE PERMITS** REGISTRATION 140461  
**AIR NEW SOURCE PERMITS** REGISTRATION 118853  
**AIR NEW SOURCE PERMITS** REGISTRATION 107709  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPSDTX17  
**AIR NEW SOURCE PERMITS** REGISTRATION 111511  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPSDTX150  
**AIR NEW SOURCE PERMITS** REGISTRATION 136396  
**AIR NEW SOURCE PERMITS** REGISTRATION 110674  
**AIR NEW SOURCE PERMITS** REGISTRATION 107329  
**AIR NEW SOURCE PERMITS** EPA PERMIT N236  
**AIR NEW SOURCE PERMITS** REGISTRATION 108152  
**AIR NEW SOURCE PERMITS** REGISTRATION 151917  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPSDTX183  
**AIR NEW SOURCE PERMITS** REGISTRATION 153623  
**AIR NEW SOURCE PERMITS** REGISTRATION 153320  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1540  
**AIR NEW SOURCE PERMITS** REGISTRATION 152979  
**AIR NEW SOURCE PERMITS** REGISTRATION 144313  
**AIR NEW SOURCE PERMITS** REGISTRATION 151575  
**AIR NEW SOURCE PERMITS** REGISTRATION 150258  
**AIR NEW SOURCE PERMITS** REGISTRATION 148101  
**AIR NEW SOURCE PERMITS** REGISTRATION 147365  
**AIR NEW SOURCE PERMITS** REGISTRATION 150031  
**AIR NEW SOURCE PERMITS** REGISTRATION 150493  
**AIR NEW SOURCE PERMITS** REGISTRATION 149329  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPSDTX182  
**AIR NEW SOURCE PERMITS** REGISTRATION 157394  
**AIR NEW SOURCE PERMITS** REGISTRATION 157683  
**AIR NEW SOURCE PERMITS** REGISTRATION 157139  
**AIR NEW SOURCE PERMITS** REGISTRATION 154482  
**AIR NEW SOURCE PERMITS** REGISTRATION 153835  
**AIR NEW SOURCE PERMITS** REGISTRATION 158833  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1542  
**AIR NEW SOURCE PERMITS** REGISTRATION 157687  
**AIR NEW SOURCE PERMITS** REGISTRATION 156509  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1011578  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0033B  
**AIR QUALITY NON PERMITTED** ID NUMBER LGL106088529  
**STORMWATER** PERMIT TXR05DX41  
**TAX RELIEF** ID NUMBER 17982

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HGA061I  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1280  
**AIR NEW SOURCE PERMITS** REGISTRATION 98647  
**AIR NEW SOURCE PERMITS** EPA PERMIT N142  
**AIR NEW SOURCE PERMITS** PERMIT 99167  
**AIR NEW SOURCE PERMITS** EPA PERMIT N140  
**AIR NEW SOURCE PERMITS** REGISTRATION 102688  
**AIR NEW SOURCE PERMITS** REGISTRATION 102073  
**AIR NEW SOURCE PERMITS** REGISTRATION 140463  
**AIR NEW SOURCE PERMITS** REGISTRATION 107332  
**AIR NEW SOURCE PERMITS** REGISTRATION 110688  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPSDTX10  
**AIR NEW SOURCE PERMITS** REGISTRATION 107326  
**AIR NEW SOURCE PERMITS** REGISTRATION 107331  
**AIR NEW SOURCE PERMITS** REGISTRATION 135035  
**AIR NEW SOURCE PERMITS** REGISTRATION 107330  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1484  
**AIR NEW SOURCE PERMITS** REGISTRATION 107327  
**AIR NEW SOURCE PERMITS** REGISTRATION 106675  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1280M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT N264  
**AIR NEW SOURCE PERMITS** PERMIT AMOC85  
**AIR NEW SOURCE PERMITS** PERMIT 152181  
**AIR NEW SOURCE PERMITS** REGISTRATION 150586  
**AIR NEW SOURCE PERMITS** EPA PERMIT N266  
**AIR NEW SOURCE PERMITS** REGISTRATION 154481  
**AIR NEW SOURCE PERMITS** REGISTRATION 146636  
**AIR NEW SOURCE PERMITS** REGISTRATION 148067  
**AIR NEW SOURCE PERMITS** REGISTRATION 150810  
**AIR NEW SOURCE PERMITS** REGISTRATION 147385  
**AIR NEW SOURCE PERMITS** REGISTRATION 148096  
**AIR NEW SOURCE PERMITS** REGISTRATION 146626  
**AIR NEW SOURCE PERMITS** REGISTRATION 150257  
**AIR NEW SOURCE PERMITS** REGISTRATION 150877  
**AIR NEW SOURCE PERMITS** REGISTRATION 156372  
**AIR NEW SOURCE PERMITS** REGISTRATION 156159  
**AIR NEW SOURCE PERMITS** REGISTRATION 156142  
**AIR NEW SOURCE PERMITS** REGISTRATION 157863  
**AIR NEW SOURCE PERMITS** REGISTRATION 158059  
**AIR NEW SOURCE PERMITS** PERMIT 152184  
**AIR NEW SOURCE PERMITS** REGISTRATION 155453  
**AIR NEW SOURCE PERMITS** REGISTRATION 155486  
**AIR NEW SOURCE PERMITS** REGISTRATION 157688  
**AIR NEW SOURCE PERMITS** REGISTRATION 157735  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 30030  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HGA061I  
**STORMWATER** PERMIT TXR05BR93  
**STORMWATER** PERMIT TXR15774W  
**TAX RELIEF** ID NUMBER 17981

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

**Date Compliance History Report Prepared:** November 22, 2019

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 22, 2014 to November 22, 2019

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

**Name:** Amanda Diaz

**Phone:** (512) 239-2601

## **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: 01/25/2015 ADMINORDER 2014-1076-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: GT&C and STC No. 32 OP  
Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,215 lbs of CO and 334 lbs of NOx from the OP-1 Flare during an emissions event (Incident No. 194248) on Feb 13, 2014 that lasted 28.5 hours. The emissions event occurred when valve FV-36065 positioner failed, leading to increased suction pressure in the C-3670 Propylene Compressor which led to flaring. This emissions event could have been avoided by better operation and maintenance practices.
- 2 Effective Date: 10/06/2015 ADMINORDER 2015-0492-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions No. 1 OP  
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.
- 3 Effective Date: 11/08/2016 ADMINORDER 2016-0328-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 OP  
Special Condition 1 PERMIT  
Special Terms and Conditions (ST&C) 32 OP  
Description: Failure to comply with the maximum allowable emissions rate ("MAER") for the Methanol Reformer Furnace, EPN EHTF7001.
- 4 Effective Date: 01/31/2018 ADMINORDER 2016-1514-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.1090  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6610(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to comply with the applicable requirements of 40 Code of Federal Regulations (CFR) Part 63, Subpart ZZZZ for three engines (Unit IDs: EUTEN1, OP1EN1, and OP2EN1). (Category A8)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Term and Condition 32 OP

Description: Failure to comply with allowable emission limits on F-7001 Reformer Heater (Emission Point Number (EPN) EHTF7001). (Category B14)

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter C 122.210(a)  
5C THSC Chapter 382 382.054  
5C THSC Chapter 382 382.085(b)

Description: Failure to obtain a revision for Federal Operating Permit (FOP) O-01426 to add the reference to 40 Code of Federal Regulations (CFR) 63.104(b)(1) for the Benzene Toluene unit (Unit ID: PRO-BT). (Category B3)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report all instances of deviations. (Category B3)

5 Effective Date: 06/04/2019 ADMINORDER 2018-0986-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)

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 309 pounds of volatile organic compounds from the Olefins Plant 1 ("OP1") Cooling Tower, Emissions Point Number 38E11, during an avoidable emissions event (Incident No. 266775) that occurred on September 3, 2017 and lasted three hours and 30 minutes. The emissions event occurred due to a heat exchanger leaking into the OP1 Cooling Tower system, resulting in a release to the atmosphere.

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

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

Item 1	December 15, 2014	(1211745)
Item 2	December 17, 2014	(1224204)
Item 3	January 05, 2015	(1216368)
Item 4	January 19, 2015	(1230732)
Item 5	January 21, 2015	(1218043)
Item 6	February 06, 2015	(1222214)
Item 7	February 18, 2015	(1242240)
Item 8	February 20, 2015	(1228191)
Item 9	February 23, 2015	(1228464)
Item 10	February 24, 2015	(1228672)
Item 11	February 25, 2015	(1228514)
Item 12	February 26, 2015	(1229126)
Item 13	February 27, 2015	(1228774)
Item 14	March 12, 2015	(1230504)
Item 15	March 19, 2015	(1248571)
Item 16	April 13, 2015	(1229212)
Item 17	April 17, 2015	(1255470)
Item 18	May 13, 2015	(1211879)
Item 19	May 14, 2015	(1211881)
Item 20	May 19, 2015	(1262180)
Item 21	June 17, 2015	(1269349)
Item 22	June 30, 2015	(1259647)
Item 23	July 16, 2015	(1276895)
Item 24	August 20, 2015	(1283073)
Item 25	September 17, 2015	(1266081)
Item 26	September 18, 2015	(1290212)
Item 27	October 14, 2015	(1266890)
Item 28	October 19, 2015	(1296414)

Item 29	October 21, 2015	(1280043)
Item 30	November 09, 2015	(1289505)
Item 31	November 19, 2015	(1301868)
Item 32	November 24, 2015	(1288963)
Item 33	December 17, 2015	(1308796)
Item 34	December 30, 2015	(1296128)
Item 35	January 12, 2016	(1305207)
Item 36	January 19, 2016	(1315581)
Item 37	January 22, 2016	(1305977)
Item 38	January 27, 2016	(1305905)
Item 39	February 04, 2016	(1307804)
Item 40	February 18, 2016	(1324971)
Item 41	February 22, 2016	(1313147)
Item 42	March 01, 2016	(1300409)
Item 43	March 11, 2016	(1315393)
Item 44	March 17, 2016	(1331702)
Item 45	April 04, 2016	(1321765)
Item 46	April 18, 2016	(1338865)
Item 47	April 25, 2016	(1324263)
Item 48	May 10, 2016	(1330600)
Item 49	July 19, 2016	(1359080)
Item 50	August 19, 2016	(1365502)
Item 51	September 20, 2016	(1372205)
Item 52	November 16, 2016	(1369934)
Item 53	November 17, 2016	(1371344)
Item 54	November 18, 2016	(1384342)
Item 55	November 29, 2016	(1330289)
Item 56	December 05, 2016	(1376294)
Item 57	December 12, 2016	(1381561)
Item 58	December 14, 2016	(1390479)
Item 59	January 06, 2017	(1383283)
Item 60	January 18, 2017	(1378238)
Item 61	January 19, 2017	(1397096)
Item 62	January 23, 2017	(1370942)
Item 63	February 16, 2017	(1403980)
Item 64	March 16, 2017	(1411081)
Item 65	March 20, 2017	(1395523)
Item 66	March 24, 2017	(1401577)
Item 67	March 30, 2017	(1100613)
Item 68	April 17, 2017	(1417578)
Item 69	May 17, 2017	(1425174)
Item 70	June 19, 2017	(1431173)
Item 71	June 27, 2017	(1416424)
Item 72	July 13, 2017	(1416583)
Item 73	July 18, 2017	(1439783)
Item 74	July 24, 2017	(1423643)
Item 75	August 17, 2017	(1443471)
Item 76	September 18, 2017	(1435219)
Item 77	September 26, 2017	(1435861)
Item 78	September 27, 2017	(1435534)
Item 79	October 17, 2017	(1455917)
Item 80	November 15, 2017	(1435876)
Item 81	November 16, 2017	(1461400)
Item 82	December 19, 2017	(1467779)
Item 83	January 19, 2018	(1474483)
Item 84	February 13, 2018	(1459054)
Item 85	February 19, 2018	(1486710)
Item 86	March 19, 2018	(1490388)
Item 87	March 21, 2018	(1473717)
Item 88	April 18, 2018	(1493624)
Item 89	May 17, 2018	(1500542)

Item 90	June 19, 2018	(1507659)
Item 91	June 25, 2018	(1496737)
Item 92	June 28, 2018	(1498638)
Item 93	July 17, 2018	(1499562)
Item 94	July 23, 2018	(1498606)
Item 95	July 25, 2018	(1499501)
Item 96	July 27, 2018	(1499298)
Item 97	July 30, 2018	(1499343)
Item 98	July 31, 2018	(1499427)
Item 99	August 01, 2018	(1499276)
Item 100	August 02, 2018	(1499681)
Item 101	August 08, 2018	(1499303)
Item 102	August 17, 2018	(1520038)
Item 103	August 31, 2018	(1430601)
Item 104	September 04, 2018	(1459361)
Item 105	September 12, 2018	(1499801)
Item 106	September 14, 2018	(1499704)
Item 107	September 19, 2018	(1527203)
Item 108	October 18, 2018	(1517770)
Item 109	October 25, 2018	(1499831)
Item 110	October 29, 2018	(1524816)
Item 111	November 19, 2018	(1541396)
Item 112	November 21, 2018	(1513798)
Item 113	December 20, 2018	(1545180)
Item 114	January 16, 2019	(1499798)
Item 115	January 18, 2019	(1559514)
Item 116	February 20, 2019	(1559512)
Item 117	March 20, 2019	(1559513)
Item 118	March 21, 2019	(1549959)
Item 119	April 15, 2019	(1551355)
Item 120	April 18, 2019	(1571777)
Item 121	April 24, 2019	(1554385)
Item 122	May 14, 2019	(1555082)
Item 123	May 20, 2019	(1558304)
Item 124	June 05, 2019	(1555640)
Item 125	June 06, 2019	(1555652)
Item 126	June 20, 2019	(1583164)
Item 127	June 28, 2019	(1540598)
Item 128	July 18, 2019	(1593090)
Item 129	July 29, 2019	(1581312)
Item 130	August 16, 2019	(1599436)
Item 131	September 12, 2019	(1581499)
Item 132	September 20, 2019	(1606341)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 02/13/2019 (1518003)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14A PERMIT  
Special Term and Condition 1A OP
- Description: Failure to maintain the flare (Unit ID OP2FL4801) net heating value above the minimum. (Category C4 violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(2)(I)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)

Special Condition 5 PERMIT  
 Special Term and Condition 1A OP  
 Description: Failure to maintain floating roof on the liquid surface. (Category C4 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 8D PERMIT  
 Special Term and Condition 1A PERMIT  
 Special Term and Condition 38 OP  
 Description: Failure to prevent exceedance of ammonia concentration for the F-7001 Reformer Heater. (Category C7 violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(iii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12A PERMIT  
 Special Term and Condition 1A OP  
 Description: Failure to prevent exceedance of flare tip velocity for the methanol emergency flare. (Category C7 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12A PERMIT  
 Special Term and Condition 1A OP  
 Description: Failure to prevent the net heating value for the methanol flares to go below the 300 Btu/scf minimum. (Category C7 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to maintain Tank 3210 in good working order. (Category C4 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 38 OP  
 Description: Failure to prevent exceedance of ammonia slip concentration of cracking heater 4419. (Category C7 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to maintain the fuel gas process vent temperature above the minimum. (Category C7 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all instances of deviations for January 1, 2017 to June 30, 2017. (Category C3 violation)

2 Date: 03/11/2019 (1541009)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)  
 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
 Description: Failure to provide a minimum pressure tank capacity of 220 gallons, with additional capacity if necessary.

3 Date: 08/27/2019 (1569411)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)



30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to conduct fourth quarter HRVOC calibration for IPOH flare (EPN 25E01).  
(Category C1 violation)

4

Date: 11/20/2019 (1592202)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to prevent exceedance of NOx/MMBtu limit for the cracking furnace F-4419  
(Unit ID OP2HT4419). (Category B18g(1) violation)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.300(b)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to meet benzene loading exemption. (Category C7 violation)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 5B OP  
Description: Failure to maintain wastewater conveyance system. (Category C4 violation)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to record temperature data for Unit IDs OP2TW4407 and OP2TW4453.  
(Category C3 violation)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to monitor pressure safety valve (PSV). (Category C1 violation)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to conduct sampling for the OP1 Flare (Unit ID OP1FL3801) (Category B1  
violation)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Special Term and Condition 36 OP  
Special Term and Condition 37 OP  
Description: Failure to prevent opacity exceedance for cracking heater 4419 (Unit ID  
OP2HT4419/OP2HT4419V) (Category C7 violation)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 PERMIT  
Special Term and Condition 1A OP  
Description: Failure to maintain ammonia slip concentration for cracking heater 4419 (Unit ID  
OP2HT4419) (Category C4 violation)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Description: Failure to complete first attempts of repair in 5 days. (Category C4 violation)

## F. Environmental audits:

Notice of Intent Date: 05/06/2016 (1331017)

No DOV Associated

Notice of Intent Date: 05/09/2016 (1331021)

Disclosure Date: 07/01/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter H 115.782(b)(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Rqmt Prov: PERMIT NSR Permit No. 2128, SC 16

Description: Failed to repair one valve within 15 days after the leak was detected, and the valve did not meet the requirements for delay of repair.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT NSR Permit 83799, SC 5

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)

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

Notice of Intent Date: 09/20/2017 (1438501)

Disclosure Date: 03/13/2018

Viol. Classification: Moderate

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

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

Notice of Intent Date: 11/09/2017 (1449670)

Disclosure Date: 04/17/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)

30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to ensure that ancillary lines and equipment associated with Tank TK-3210 meet the secondary containment regulatory requirements for hazardous waste tanks.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(d)

30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the secondary containment requirements for hazardous waste tanks TK-3210.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)

30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the secondary containment regulatory requirements for the hazardous waste ancillary line from T-309 to D-12 and D-14.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(d)

30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the secondary containment regulatory requirements for the secondary containment and hazardous waste ancillary lines for tanks D-12 and D-14.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)(3)

30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the requirements for a RCRA sealless valve for the valve used to off-load hazardous waste out of Tank D-3075.

Notice of Intent Date: 06/20/2018 (1497973)

Disclosure Date: 04/24/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to properly authorize one small tank. Specifically, documentation of NSR authorization for one small tank was not available following chemical change service.

Notice of Intent Date: 03/19/2019 (1554361)

Disclosure Date: 09/13/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC 12

Description: Failed to update recordkeeping required to demonstrate compliance with the emissions limits specified in 30 TAC § 106.124(5)(A) Pilot Plant PBR which references 30 TAC § 106.262(a)(2).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(vii)(C)

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to evaluate containers with hazardous waste in the drum pad area to see if they are incompatible and in need of segregation.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.15(a)(5)

30 TAC Chapter 335, SubChapter C 335.69(d)(2)

Description: Failed to ensure all hazardous waste containers in the facility's Satellite Accumulation Areas contain "an indication of the hazard or a chemical hazard label consistent with the NFPA code".

Notice of Intent Date: 03/29/2019 (1555303)

Disclosure Date: 07/10/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)

Description: Failed to conduct quarterly inspections on some PSV monitoring systems as required by HRVOC Vent Gas Monitoring Plan.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter H 115.782(c)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: PERMIT SC 16.1

Description: Failed to repair three components on DOR when associated equipment was shutdown or could be shutdown.

Viol. Classification: Minor

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

30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)

Rqmt Prov: PERMIT SC 14.B(2)

Description: Failed to conduct the 2019 first quarter cylinder gas audit of the Methanol Reformer NOx CEMS.

Notice of Intent Date: 04/12/2019 (1555650)

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



# Compliance History Report

Compliance History Report for CN600124705, RN100542281, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600124705, Equistar Chemicals, LP	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.03
<b>Regulated Entity:</b>	RN100542281, EQUISTAR CHEMICALS CHANNELVIEW COMPLEX	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.52
<b>Complexity Points:</b>	43	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	8280 SHELDON ROAD, CHANNELVIEW, HARRIS COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

**ID Number(s):**

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

**AIR OPERATING PERMITS** PERMIT 1426  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00405

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD058275769  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50117  
**WASTEWATER** EPA ID TX0003531  
**AIR NEW SOURCE PERMITS** PERMIT 1768  
**AIR NEW SOURCE PERMITS** PERMIT 2933  
**AIR NEW SOURCE PERMITS** PERMIT 3130A  
**AIR NEW SOURCE PERMITS** PERMIT 6245  
**AIR NEW SOURCE PERMITS** PERMIT 8125  
**AIR NEW SOURCE PERMITS** REGISTRATION 10700  
**AIR NEW SOURCE PERMITS** REGISTRATION 11735  
**AIR NEW SOURCE PERMITS** REGISTRATION 13849  
**AIR NEW SOURCE PERMITS** REGISTRATION 12341  
**AIR NEW SOURCE PERMITS** REGISTRATION 23079  
**AIR NEW SOURCE PERMITS** REGISTRATION 30868  
**AIR NEW SOURCE PERMITS** REGISTRATION 34897  
**AIR NEW SOURCE PERMITS** REGISTRATION 47487  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0033B  
**AIR NEW SOURCE PERMITS** REGISTRATION 54098  
**AIR NEW SOURCE PERMITS** REGISTRATION 153580  
**AIR NEW SOURCE PERMITS** PERMIT 49120  
**AIR NEW SOURCE PERMITS** REGISTRATION 74110  
**AIR NEW SOURCE PERMITS** REGISTRATION 72946  
**AIR NEW SOURCE PERMITS** REGISTRATION 74181  
**AIR NEW SOURCE PERMITS** REGISTRATION 76693  
**AIR NEW SOURCE PERMITS** REGISTRATION 78278  
**AIR NEW SOURCE PERMITS** REGISTRATION 78191  
**AIR NEW SOURCE PERMITS** REGISTRATION 78381  
**AIR NEW SOURCE PERMITS** REGISTRATION 78599  
**AIR NEW SOURCE PERMITS** REGISTRATION 80296  
**AIR NEW SOURCE PERMITS** REGISTRATION 82226  
**AIR NEW SOURCE PERMITS** REGISTRATION 84183  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HGA0611  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1272  
**AIR NEW SOURCE PERMITS** EPA PERMIT N142  
**AIR NEW SOURCE PERMITS** PERMIT 99167  
**AIR NEW SOURCE PERMITS** EPA PERMIT N140  
**AIR NEW SOURCE PERMITS** REGISTRATION 102688  
**AIR NEW SOURCE PERMITS** REGISTRATION 102073

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30030  
**WASTEWATER** PERMIT WQ0000391000  
**AIR NEW SOURCE PERMITS** AFS NUM 4820101886  
**AIR NEW SOURCE PERMITS** PERMIT 2128  
**AIR NEW SOURCE PERMITS** PERMIT 2936  
**AIR NEW SOURCE PERMITS** PERMIT 3294  
**AIR NEW SOURCE PERMITS** PERMIT 6387  
**AIR NEW SOURCE PERMITS** REGISTRATION 10586  
**AIR NEW SOURCE PERMITS** REGISTRATION 10812  
**AIR NEW SOURCE PERMITS** REGISTRATION 12334  
**AIR NEW SOURCE PERMITS** REGISTRATION 15348  
**AIR NEW SOURCE PERMITS** PERMIT 22779  
**AIR NEW SOURCE PERMITS** PERMIT 24887  
**AIR NEW SOURCE PERMITS** REGISTRATION 32136  
**AIR NEW SOURCE PERMITS** REGISTRATION 42948  
**AIR NEW SOURCE PERMITS** REGISTRATION 50141  
**AIR NEW SOURCE PERMITS** REGISTRATION 52720  
**AIR NEW SOURCE PERMITS** REGISTRATION 76017  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100075  
**AIR NEW SOURCE PERMITS** PERMIT 49130  
**AIR NEW SOURCE PERMITS** REGISTRATION 72948  
**AIR NEW SOURCE PERMITS** REGISTRATION 74051  
**AIR NEW SOURCE PERMITS** REGISTRATION 77640  
**AIR NEW SOURCE PERMITS** REGISTRATION 78128  
**AIR NEW SOURCE PERMITS** REGISTRATION 78343  
**AIR NEW SOURCE PERMITS** REGISTRATION 78173  
**AIR NEW SOURCE PERMITS** REGISTRATION 79431  
**AIR NEW SOURCE PERMITS** REGISTRATION 78978  
**AIR NEW SOURCE PERMITS** REGISTRATION 81543  
**AIR NEW SOURCE PERMITS** PERMIT 83799  
**AIR NEW SOURCE PERMITS** REGISTRATION 84715  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1280  
**AIR NEW SOURCE PERMITS** REGISTRATION 96384  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1270  
**AIR NEW SOURCE PERMITS** EPA PERMIT N146  
**AIR NEW SOURCE PERMITS** EPA PERMIT N144  
**AIR NEW SOURCE PERMITS** REGISTRATION 101590  
**AIR NEW SOURCE PERMITS** REGISTRATION 140033

**AIR NEW SOURCE PERMITS** REGISTRATION 140463  
**AIR NEW SOURCE PERMITS** REGISTRATION 107332  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX10  
**AIR NEW SOURCE PERMITS** REGISTRATION 107326  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX150  
**AIR NEW SOURCE PERMITS** REGISTRATION 107330  
**AIR NEW SOURCE PERMITS** REGISTRATION 107329  
**AIR NEW SOURCE PERMITS** EPA PERMIT N236  
**AIR NEW SOURCE PERMITS** REGISTRATION 108152  
**AIR NEW SOURCE PERMITS** REGISTRATION 151917  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX183  
**AIR NEW SOURCE PERMITS** REGISTRATION 153623  
**AIR NEW SOURCE PERMITS** REGISTRATION 150586  
**AIR NEW SOURCE PERMITS** EPA PERMIT N266  
**AIR NEW SOURCE PERMITS** REGISTRATION 154481  
**AIR NEW SOURCE PERMITS** REGISTRATION 162810  
**AIR NEW SOURCE PERMITS** REGISTRATION 144313  
**AIR NEW SOURCE PERMITS** REGISTRATION 148067  
**AIR NEW SOURCE PERMITS** REGISTRATION 150810  
**AIR NEW SOURCE PERMITS** REGISTRATION 146626  
**AIR NEW SOURCE PERMITS** REGISTRATION 150877  
**AIR NEW SOURCE PERMITS** REGISTRATION 160251  
**AIR NEW SOURCE PERMITS** REGISTRATION 156372  
**AIR NEW SOURCE PERMITS** PERMIT AMOC157  
**AIR NEW SOURCE PERMITS** REGISTRATION 159881  
**AIR NEW SOURCE PERMITS** REGISTRATION 160287  
**AIR NEW SOURCE PERMITS** REGISTRATION 157863  
**AIR NEW SOURCE PERMITS** REGISTRATION 158059  
**AIR NEW SOURCE PERMITS** REGISTRATION 160943  
**AIR NEW SOURCE PERMITS** REGISTRATION 161239  
**AIR NEW SOURCE PERMITS** REGISTRATION 159310  
**AIR NEW SOURCE PERMITS** EPA PERMIT N142M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT N280  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1542  
**AIR NEW SOURCE PERMITS** REGISTRATION 159818  
**AIR NEW SOURCE PERMITS** REGISTRATION 156509  
**AIR NEW SOURCE PERMITS** REGISTRATION 160252

**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 30030  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HGA061I

**STORMWATER** PERMIT TXR05BR93  
**STORMWATER** PERMIT TXR15774W  
**TAX RELIEF** ID NUMBER 17981

**AIR NEW SOURCE PERMITS** REGISTRATION 140461  
**AIR NEW SOURCE PERMITS** REGISTRATION 110688  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX17  
**AIR NEW SOURCE PERMITS** REGISTRATION 107331  
**AIR NEW SOURCE PERMITS** REGISTRATION 136396  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1484  
**AIR NEW SOURCE PERMITS** REGISTRATION 107327  
**AIR NEW SOURCE PERMITS** REGISTRATION 106675  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1280M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT N264  
**AIR NEW SOURCE PERMITS** PERMIT AMOC85  
**AIR NEW SOURCE PERMITS** PERMIT 152181  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1540  
**AIR NEW SOURCE PERMITS** REGISTRATION 152979  
**AIR NEW SOURCE PERMITS** REGISTRATION 162844  
**AIR NEW SOURCE PERMITS** REGISTRATION 161846  
**AIR NEW SOURCE PERMITS** REGISTRATION 151575  
**AIR NEW SOURCE PERMITS** REGISTRATION 150258  
**AIR NEW SOURCE PERMITS** REGISTRATION 148101  
**AIR NEW SOURCE PERMITS** REGISTRATION 150493  
**AIR NEW SOURCE PERMITS** REGISTRATION 159958  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX182  
**AIR NEW SOURCE PERMITS** REGISTRATION 157394  
**AIR NEW SOURCE PERMITS** REGISTRATION 156159  
**AIR NEW SOURCE PERMITS** REGISTRATION 157683  
**AIR NEW SOURCE PERMITS** REGISTRATION 157139  
**AIR NEW SOURCE PERMITS** EPA PERMIT N140M1  
**AIR NEW SOURCE PERMITS** PERMIT 152184  
**AIR NEW SOURCE PERMITS** REGISTRATION 159783  
**AIR NEW SOURCE PERMITS** REGISTRATION 158833  
**AIR NEW SOURCE PERMITS** REGISTRATION 155453  
**AIR NEW SOURCE PERMITS** REGISTRATION 162742  
**AIR NEW SOURCE PERMITS** REGISTRATION 159655  
**AIR NEW SOURCE PERMITS** REGISTRATION 155486  
**AIR NEW SOURCE PERMITS** REGISTRATION 157687  
**AIR NEW SOURCE PERMITS** REGISTRATION 157735  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1011578

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0033B

**AIR QUALITY NON PERMITTED** ID NUMBER LGL106088529

**STORMWATER** PERMIT TXR05DX41  
**TAX RELIEF** ID NUMBER 17982

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** December 03, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 03, 2015 to December 03, 2020

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

**Name:** Abigail Lindsey

**Phone:** (512) 239-2576

**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: 11/08/2016 ADMINORDER 2016-0328-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 OP  
Special Condition 1 PERMIT  
Special Terms and Conditions (ST&C) 32 OP  
Description: Failure to comply with the maximum allowable emissions rate ("MAER") for the Methanol Reformer Furnace, EPN EHTF7001.
- 2 Effective Date: 01/31/2018 ADMINORDER 2016-1514-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.1090  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6610(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to comply with the applicable requirements of 40 Code of Federal Regulations (CFR) Part 63, Subpart ZZZZ for three engines (Unit IDs: EUTEN1, OP1EN1, and OP2EN1). (Category A8)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Term and Condition 32 OP  
Description: Failure to comply with allowable emission limits on F-7001 Reformer Heater (Emission Point Number (EPN) EHTF7001). (Category B14)  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter C 122.210(a)  
5C THSC Chapter 382 382.054  
5C THSC Chapter 382 382.085(b)  
Description: Failure to obtain a revision for Federal Operating Permit (FOP) O-01426 to add the reference to 40 Code of Federal Regulations (CFR) 63.104(b)(1) for the Benzene Toluene unit (Unit ID: PRO-BT). (Category B3)  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Description: Failure to report all instances of deviations. (Category B3)
- 3 Effective Date: 06/04/2019 ADMINORDER 2018-0986-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)  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 309 pounds of volatile organic compounds from the Olefins Plant 1 ("OP1") Cooling Tower, Emissions Point Number 38E11, during an avoidable emissions event (Incident No. 266775) that occurred on September 3, 2017 and lasted three hours and 30 minutes. The emissions event occurred due to a heat exchanger leaking into the OP1 Cooling Tower system, resulting in a release to the atmosphere.
- 4 Effective Date: 03/05/2020 ADMINORDER 2019-0147-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
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: 1768, SPECIAL CONDITION 1 PERMIT  
GTC and STC No. 37 OP

Description: Failure to prevent unauthorized emissions.

- 5 Effective Date: 06/16/2020 ADMINORDER 2019-1360-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition No.1 PERMIT  
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category A12.i.(6))  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-1426, GTC and STC No. 2.F OP  
Description: Failure to report the actual duration of an emissions event. (Category C3)
- 6 Effective Date: 10/06/2020 ADMINORDER 2020-0290-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 9 PERMIT  
Description: Failure to prevent the release of unauthorized emissions to the atmosphere during an emissions event [Category A12i(6)].

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	December 17, 2015	(1308796)
Item 2	December 30, 2015	(1296128)
Item 3	January 12, 2016	(1305207)
Item 4	January 19, 2016	(1315581)
Item 5	January 22, 2016	(1305977)
Item 6	January 27, 2016	(1305905)
Item 7	February 04, 2016	(1307804)
Item 8	February 18, 2016	(1324971)
Item 9	February 22, 2016	(1313147)
Item 10	March 01, 2016	(1300409)
Item 11	March 11, 2016	(1315393)
Item 12	March 17, 2016	(1331702)
Item 13	April 04, 2016	(1321765)
Item 14	April 18, 2016	(1338865)
Item 15	April 25, 2016	(1324263)
Item 16	May 10, 2016	(1330600)
Item 17	July 19, 2016	(1359080)
Item 18	August 19, 2016	(1365502)
Item 19	September 20, 2016	(1372205)
Item 20	November 16, 2016	(1369934)
Item 21	November 17, 2016	(1371344)
Item 22	November 18, 2016	(1384342)

Item 23	November 29, 2016	(1330289)
Item 24	December 05, 2016	(1376294)
Item 25	December 12, 2016	(1381561)
Item 26	December 14, 2016	(1390479)
Item 27	January 06, 2017	(1383283)
Item 28	January 18, 2017	(1378238)
Item 29	January 19, 2017	(1397096)
Item 30	January 23, 2017	(1370942)
Item 31	February 16, 2017	(1403980)
Item 32	March 16, 2017	(1411081)
Item 33	March 20, 2017	(1395523)
Item 34	March 24, 2017	(1401577)
Item 35	March 30, 2017	(1100613)
Item 36	April 17, 2017	(1417578)
Item 37	May 17, 2017	(1425174)
Item 38	June 19, 2017	(1431173)
Item 39	June 27, 2017	(1416424)
Item 40	July 13, 2017	(1416583)
Item 41	July 18, 2017	(1439783)
Item 42	July 24, 2017	(1423643)
Item 43	August 17, 2017	(1443471)
Item 44	September 18, 2017	(1435219)
Item 45	September 26, 2017	(1435861)
Item 46	September 27, 2017	(1435534)
Item 47	October 17, 2017	(1455917)
Item 48	November 15, 2017	(1435876)
Item 49	November 16, 2017	(1461400)
Item 50	December 19, 2017	(1467779)
Item 51	January 19, 2018	(1474483)
Item 52	February 13, 2018	(1459054)
Item 53	February 19, 2018	(1486710)
Item 54	March 19, 2018	(1490388)
Item 55	March 21, 2018	(1473717)
Item 56	April 18, 2018	(1493624)
Item 57	May 17, 2018	(1500542)
Item 58	June 19, 2018	(1507659)
Item 59	June 25, 2018	(1496737)
Item 60	June 28, 2018	(1498638)
Item 61	July 17, 2018	(1499562)
Item 62	July 23, 2018	(1498606)
Item 63	July 25, 2018	(1499501)
Item 64	July 27, 2018	(1499298)
Item 65	July 30, 2018	(1499343)
Item 66	July 31, 2018	(1499427)
Item 67	August 01, 2018	(1499276)
Item 68	August 02, 2018	(1499681)
Item 69	August 08, 2018	(1499303)
Item 70	August 17, 2018	(1520038)
Item 71	August 31, 2018	(1430601)
Item 72	September 04, 2018	(1459361)
Item 73	September 12, 2018	(1499801)
Item 74	September 14, 2018	(1499704)
Item 75	September 19, 2018	(1527203)
Item 76	October 18, 2018	(1517770)
Item 77	October 25, 2018	(1499831)
Item 78	October 29, 2018	(1524816)
Item 79	November 19, 2018	(1541396)
Item 80	November 21, 2018	(1513798)
Item 81	December 20, 2018	(1545180)
Item 82	January 16, 2019	(1499798)



Item 83	January 18, 2019	(1559514)
Item 84	February 20, 2019	(1559512)
Item 85	March 20, 2019	(1559513)
Item 86	March 21, 2019	(1549959)
Item 87	April 15, 2019	(1551355)
Item 88	April 18, 2019	(1571777)
Item 89	April 24, 2019	(1554385)
Item 90	May 14, 2019	(1555082)
Item 91	May 20, 2019	(1558304)
Item 92	June 05, 2019	(1555640)
Item 93	June 06, 2019	(1555652)
Item 94	June 20, 2019	(1583164)
Item 95	June 28, 2019	(1540598)
Item 96	July 18, 2019	(1593090)
Item 97	July 29, 2019	(1581312)
Item 98	August 16, 2019	(1599436)
Item 99	September 12, 2019	(1581499)
Item 100	September 20, 2019	(1606341)
Item 101	October 17, 2019	(1613187)
Item 102	December 20, 2019	(1626353)
Item 103	January 17, 2020	(1633994)
Item 104	February 20, 2020	(1640613)
Item 105	April 28, 2020	(1639046)
Item 106	May 14, 2020	(1647047)
Item 107	May 15, 2020	(1647024)
Item 108	May 19, 2020	(1660055)
Item 109	June 01, 2020	(1612768)
Item 110	June 17, 2020	(1575143)
Item 111	July 16, 2020	(1645374)
Item 112	July 17, 2020	(1673516)
Item 113	August 04, 2020	(1663519)
Item 114	August 18, 2020	(1680290)
Item 115	August 27, 2020	(1633242)
Item 116	August 28, 2020	(1657041)
Item 117	September 17, 2020	(1686861)
Item 118	September 18, 2020	(1672612)
Item 119	October 06, 2020	(1678886)
Item 120	October 23, 2020	(1652131)
Item 121	November 04, 2020	(1686001)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 02/29/2020 (1647133)  
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: 03/31/2020 (1653469)  
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
  
- 3 Date: 05/31/2020 (1666558)  
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: 06/10/2020 (1592204)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to use unexpired certified gas for monitor calibration for EPN 6E04. (Category C1 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(b)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to vent the OP2 separators to a functioning control device. (Category B18g(1) violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 115, SubChapter H 115.766(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to provide the results of the HRVOC monitor calibrations for the East Plant Cooling Tower. (Category C3 violation)

5

Date: 11/24/2020 (1672812)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all instances of deviations for July 1, 2018 to December 31, 2018. (Category C3 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all instances of deviations for January 1, 2018 to June 30, 2018. (Category C3 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all instances of deviations for July 1, 2017 to December 31, 2017. (Category C3 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all instances of deviations for January 1, 2019 to June 30, 2019. (Category C3 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(A)  
 Special Term and Condition 1A OP  
 Description: Failure to maintain a delay of repair (DOR) pump out of service. (Category C7 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 37 OP  
 Description: Failure to prevent ammonia slip exceedance for cracking heater 3419 (Unit ID OP1HT3419/EPN EF3419). (Category C7 violation)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Special Condition 13D PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 37 OP  
 Description: Failure to prevent exceedance of OP1 flare monitor downtime limit. (Category C7 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11A PERMIT  
 Special Term and Condition 37 OP  
 Description: Failure to collect monthly samples for the wastewater treatment plant (Unit ID MECUWWTP). (Category C1 violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7D PERMIT  
 Special Term and Condition 37 OP  
 Description: Failure to collect weekly TDS sample for IPOH/SMA cooling tower (Unit ID MIPCT2401/EPN 24E01). (Category C1 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133(a)(2)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to maintain floating roof on the liquid surface in tank TK-38011 (Unit ID OP1TK38011/EPN 38E011). (Category C4 violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to maintain continuous records of the flare pilots. (Category C3 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(2)(B)  
 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)  
 Special Term and Condition 1A OP  
 Description: Failure to keep tank gauge float well closed on TK-32. (Category C4 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 37 OP  
 Description: Failure to prevent ammonia exceedance for cracking heater 4419 (Unit ID OP2HT4419/EPN EF4419). (Category C7 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to maintain the minimum temperature for F-38001B. (Category C4 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 37 OP  
 Description: Failure to submit notification for a new pressure safety valve (PSV). (Category B3 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to meet monitoring requirements for rental engine. (Category B1 violation)

## F. Environmental audits:

Notice of Intent Date: 05/06/2016 (1331017)

No DOV Associated

Notice of Intent Date: 05/09/2016 (1331021)

Disclosure Date: 07/01/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Rqmt Prov: PERMIT NSR Permit No. 2128, SC 16

Description: Failed to repair one valve within 15 days after the leak was detected, and the valve did not meet the requirements for delay of repair.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT NSR Permit 83799, SC 5

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)

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

Notice of Intent Date: 09/20/2017 (1438501)

Disclosure Date: 03/13/2018

Viol. Classification: Moderate

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

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

Notice of Intent Date: 11/09/2017 (1449670)

Disclosure Date: 04/17/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)  
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to ensure that ancillary lines and equipment associated with Tank TK-3210 meet the secondary containment regulatory requirements for hazardous waste tanks.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(d)  
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the secondary containment requirements for hazardous waste tanks TK-3210.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)  
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the secondary containment regulatory requirements for the hazardous waste ancillary line from T-309 to D-12 and D-14.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(d)  
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the secondary containment regulatory requirements for the secondary containment and hazardous waste ancillary lines for tanks D-12 and D-14.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(f)(3)  
30 TAC Chapter 335, SubChapter F 335.152(a)(8)

Description: Failed to meet the requirements for a RCRA sealless valve for the valve used to off-load hazardous waste out of Tank D-3075.

Notice of Intent Date: 06/20/2018 (1497973)

Disclosure Date: 04/24/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to properly authorize one small tote. Specifically, documentation of NSR authorization for the small tote was not available due to being inadvertently removed from NSR 1768, instead of transferred to NSR 2933 during the permit renewal/amendment.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
Description: Failed to properly authorize one small tank. Specifically, documentation of NSR authorization for one small tank was not available following chemical change service.

Notice of Intent Date: 03/19/2019 (1554361)

Disclosure Date: 09/13/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC 12

Description: Failed to update recordkeeping required to demonstrate compliance with the emissions limits specified in 30 TAC § 106.124(5)(A) Pilot Plant PBR which references 30 TAC § 106.262(a)(2).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(vii)(C)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to evaluate containers with hazardous waste in the drum pad area to see if they are incompatible and in need of segregation.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.15(a)(5)  
30 TAC Chapter 335, SubChapter C 335.69(d)(2)

Description: Failed to ensure all hazardous waste containers in the facility's Satellite Accumulation Areas contain "an indication of the hazard or a chemical hazard label consistent with the NFPA code".

Notice of Intent Date: 03/29/2019 (1555303)

Disclosure Date: 07/10/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)

Description: Failed to conduct quarterly inspections on some PSV monitoring systems as required by HRVOC Vent Gas Monitoring Plan.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(c)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: PERMIT SC 16.1

Description: Failed to repair three components on DOR when associated equipment was shutdown or could be shutdown.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)

Rqmt Prov: PERMIT SC 14.B(2)

Description: Failed to conduct the 2019 first quarter cylinder gas audit of the Methanol Reformer NOx CEMS.

Notice of Intent Date: 04/12/2019 (1555650)

No DOV Associated

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2020-1543-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, represented by Stephanie Bergeron Perdue of the law firm of Baker Botts L.L.P., together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 8280 Sheldon Road in Channelview, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$187,773 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$75,110 of the penalty and \$37,553 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$75,110 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. Conducted quarterly Leak Detection and Repair ("LDAR") monitoring for 23 pumps in volatile organic compounds ("VOC") service and monthly LDAR monitoring for 15 of those pumps in light liquid service, by February 5, 2018; and
  - b. Added one pump, one valve, and seven connectors to the LDAR tracking software; conducted monthly LDAR monitoring for one pump in VOC service; and by conducted quarterly LDAR monitoring for one valve and seven connectors in VOC service, by June 3, 2019.

## II. ALLEGATIONS

1. During a record review for the Plant conducted from September 5, 2018 through November 27, 2018, an investigator documented that the Respondent failed to conduct LDAR monitoring, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.130, 115.354(2)(B), 115.781(b), 116.115(c), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.163(b)(1); New Source Review ("NSR") Permit Nos. 1768, PSDTX1272, and N142, Special Conditions ("SC") No. 14.G, NSR Permit No. 2128, SC 16.G, NSR Permit Nos. 2933, PSDTX1270, and N140, SC No. 15.G, NSR Permit No. 2936, SC No. 8.G, NSR Permit No. 6387, SC No. 6.G, and NSR Permit No. 24677, SC No. 11.G; Federal Operating Permit ("FOP") No. O1426, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 38; and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct quarterly LDAR monitoring for 23 pumps that were in VOC service from the fourth quarter of 2004 to the fourth quarter of 2017 and did not conduct monthly LDAR monitoring for 15 of those pumps that were also in light liquid service from September 2004 to December 2017 as indicated in the LDAR Monitoring Table below:

LDAR Monitoring Table						
NSR Permit No(s).	Pump ID No.	Period of Non-compliance		Compliance Date	Type of Service	
		From	To		Light Liquid (Monthly)	VOC (Quarterly)
1768, PSDTX1272, and N142	P-3458	1/1/2012	12/31/2017	2/5/2018		√
	P-3709A	2/1/2013	12/31/2017	1/28/2018	√	√
	P-3709B	7/1/2013	12/31/2017	1/28/2018	√	√
	P-3916A	10/1/2004	12/31/2017	2/5/2018		√
	P-3916B	10/1/2004	12/31/2017	2/5/2018		√
	P-3919A	9/1/2004	12/31/2017	1/28/2018	√	√
2128	P-328	9/1/2004	12/31/2017	1/28/2018	√	√
	P-627B	10/1/2015	12/31/2017	1/28/2018	√	√
	P-0711	2/1/2014	12/31/2017	1/28/2018	√	√
	P-0713	10/1/2015	12/31/2017	1/28/2018	√	√
	P-807A	1/1/2011	12/31/2017	1/28/2018	√	√
	P-807B	1/1/2011	12/31/2017	1/28/2018	√	√
2933, PSDTX1270, and N140	P-48304B	1/1/2009	12/31/2017	1/29/2018	√	√
	P-48306A	10/1/2004	12/31/2017	2/5/2018		√
	P-48306B	10/1/2004	12/31/2017	2/5/2018		√
	P-4915A	10/1/2004	12/31/2017	2/5/2018		√
	P-4915B	10/1/2004	12/31/2017	2/5/2018		√
	P-4916B	10/1/2004	12/31/2017	2/5/2018		√
2936	P-3137A	9/1/2004	12/31/2017	1/28/2018	√	√
6387	P-4207B	9/1/2004	3/31/2007	4/29/2008	√	√
	P-4208A	7/1/2014	12/31/2017	1/28/2018	√	√
	P-4208B	7/1/2014	12/31/2017	1/28/2018	√	√
24677	P-2847	10/1/2015	12/31/2017	1/28/2018	√	√

√ = Applicable

- During a record review for the Plant conducted from September 8, 2020 through November 18, 2020, an investigator documented that the Respondent failed to conduct LDAR monitoring, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.130, 113.390, 115.354(2), 115.354(2)(C), and 122.143(4); 40 CFR §§ 63.163(b)(1), 63.168(b), 63.174(b), and 63.769(c); FOP No. O1426, GTC and STC No. 1.A; and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct monthly LDAR monitoring for one pump that was in VOC service from April 1, 2014 through May 31, 2019 and did not conduct quarterly LDAR monitoring for one valve and seven connectors that were in VOC service from April 1, 2014 through March 31, 2019.



### 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. 2020-1543-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$75,110 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. 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.
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



11/7/2022

-----  
For the Executive Director

-----  
Date

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

I also understand that failure to comply with the Ordering Provisions, 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

9/19/2022  
-----  
Date

Christopher M. Cain

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

Site Manager - Channelview  
-----  
Title

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

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

**Attachment A**  
**Docket Number: 2020-1543-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Equistar Chemicals, LP</b>
<b>Payable Penalty Amount:</b>	<b>\$150,220</b>
<b>SEP Offset Amount:</b>	<b>\$75,110</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

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

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

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

**3. Records and Reporting**

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

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

#### 4. Failure to Fully Perform

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

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

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

#### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.