

Executive Summary – Enforcement Matter – Case No. 60355
Equistar Chemicals, LP
RN100542281
Docket No. 2021-0222-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: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 3, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,251

Amount Deferred for Expedited Settlement: \$5,250

Total Paid to General Revenue: \$10,501

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$10,500

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Equistar Chemicals, LP
RN100542281
Docket No. 2021-0222-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 26, 2020 through November 9, 2020, December 7, 2020 through December 21, 2020, and January 15, 2019 through February 13, 2019

Date(s) of NOE(s): January 22, 2021 and March 5, 2021

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 441.95 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 344019) that occurred on October 14, 2020 and lasted three hours and 39 minutes. The emissions event occurred when the lack of control of carbonates in the system caused corrosion, resulting in a pinhole leak in the Heat Exchanger E-3026 shell and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 6245, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1426, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 37, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block period. Specifically, the Respondent released 143.40 lbs of VOC, 3,956.40 lbs of HRVOC, 1,048.70 lbs of carbon monoxide, and 86.60 lbs of nitrogen oxides from the Olefins Production Unit 1 Flare, Emissions Point Number 38E01, during an emissions event (Incident No. 331037) that occurred on February 26, 2020 and lasted six hours. The emissions event occurred when the Demethanizer Level Transmitter showed a false level that caused a low level in the Demethanizer and led to methane passing through the tower bottoms, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), NSR Permit Nos. 1768, PSDTX1272, and N142, SC No. 1, FOP No. O1426, GTC and STC Nos. 1.A and 37, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Equistar Chemicals, LP
RN100542281
Docket No. 2021-0222-AIR-E

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 122.75 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 276744) that occurred on January 19, 2018 and lasted one hour and 15 minutes. The emissions event occurred when the residual water that was trapped inside the bonnet valve froze and damaged the bonnet bolts, creating a gap between the bonnet bolts and the flange of the gate valve and resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2128, SC No. 1, FOP No. O1426, GTC and STC No. 38, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By November 15, 2018, cleared Tank 1217 and associated piping, updated the Process Safety Startup Review checklist, incorporated the lessons learned into a new operator training module, and conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276744;
- b. By June 1, 2020, replaced the Demethanizer Level Transmitter and placed the Demethanizer Level Transmitter on a three-year preventative maintenance schedule in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 331037; and
- c. By December 25, 2020, added a caustic "Low Flow" scenario to the process hazard analysis to mitigate the hazard of high carbonates in the Recovery Solvent System, increased the Tank 3006 and overhead sampling frequency to three times per week, and added carbonate levels to the daily/monthly Recovery Engineering and Process Specialist Key Performance Indices in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 344019.

Technical Requirements:

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

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Docket No. 2021-0222-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Toni Red, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1704; 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, c/o Christopher B. Amandes, Amandes PLLC, 1414 West Clay Street, Houston, Texas 77019

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

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	25-Jan-2021	Screening	3-Feb-2021	EPA Due	
	PCW	13-Oct-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Equistar Chemicals, LP
Reg. Ent. Ref. No.	RN100542281
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60355	No. of Violations	3
Docket No.	2021-0222-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

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

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

Compliance History	100.0% Adjustment	Subtotals 2, 3, & 7	\$15,000
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Notes: Enhancement for one NOV with the same or similar violations, two NOVs with dissimilar violations, and six agreed orders with a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,749
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$642
 Estimated Cost of Compliance: \$30,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$26,251
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$26,251
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,251
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,250
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$21,001
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Screening Date 3-Feb-2021

Docket No. 2021-0222-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 4 (April 2014)

Case ID No. 60355

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100542281

Media Air

Enf. Coordinator Toni Red

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	2	4%
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) 109%

>> 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, two NOVs with dissimilar violations, and six agreed 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) 109%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 3-Feb-2021 **Docket No.** 2021-0222-AIR-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 4 (April 2014)*
Case ID No. 60355 *PCW Revision September 1, 2019*
Reg. Ent. Reference No. RN100542281
Media Air
Enf. Coordinator Toni Red

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 6245, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01426, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 37, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 441.95 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 344019) that occurred on October 14, 2020 and lasted three hours and 39 minutes. The emissions event occurred when the lack of control of carbonates in the system caused corrosion, resulting in a pinhole leak in the Heat Exchanger E-3026 shell and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual		x	Percent 15.0%
Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification				Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	1	Number of violation days	1
daily			
weekly			
monthly			
quarterly	x		
semiannual			
annual			
single event			

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

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

Notes The Respondent completed corrective actions by December 25, 2020, prior to the Notice of Enforcement ("NOE") dated January 22, 2021.

Violation Subtotal \$2,813

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

Estimated EB Amount \$99 **Violation Final Penalty Total** \$6,563

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 60355
Reg. Ent. Reference No. RN100542281
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	14-Oct-2020	25-Dec-2020	0.20	\$99	n/a	\$99

Notes for DELAYED costs

Estimated cost to add a caustic "Low Flow" scenario to the process hazard analysis to mitigate the hazard of high carbonates in the Recovery Solvent System, increase the Tank 3006 and overhead sampling frequency to three times per week, and add carbonate levels to the daily/monthly Recovery Engineering and Process Specialist Key Performance Indices in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 344019. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$99

Screening Date 3-Feb-2021
Respondent Equistar Chemicals, LP
Case ID No. 60355
Reg. Ent. Reference No. RN100542281
Media Air
Enf. Coordinator Toni Red

Docket No. 2021-0222-AIR-E

PCW

*Policy Revision 4 (April 2014)
 PCW Revision September 1, 2019*

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), NSR Permit Nos. 1768, PSDTX1272, and N142, SC No. 1, FOP No. O1426, GTC and STC Nos. 1.A and 37, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block period. Specifically, the Respondent released 143.40 lbs of VOC, 3,956.40 lbs of HRVOC, 1,048.70 lbs of carbon monoxide, and 86.60 lbs of nitrogen oxides from the Olefins Production Unit 1 Flare, Emissions Point Number 38E01, during an emissions event (Incident No. 331037) that occurred on February 26, 2020 and lasted six hours. The emissions event occurred when the Demethanizer Level Transmitter showed a false level that caused a low level in the Demethanizer and led to methane passing through the tower bottoms, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Notes The Respondent completed corrective actions by June 1, 2020, prior to the NOE dated January 22, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Estimated EB Amount \$132

Statutory Limit Test

Violation Final Penalty Total \$13,125

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 60355
Reg. Ent. Reference No. RN100542281
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	26-Feb-2020	1-Jun-2020	0.26	\$132	n/a	\$132

Notes for DELAYED costs

Estimated cost to replace the Demethanizer Level Transmitter and place the Demethanizer Level Transmitter on a three-year preventative maintenance schedule in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 331037. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$132

Screening Date 3-Feb-2021
Respondent Equistar Chemicals, LP
Case ID No. 60355
Reg. Ent. Reference No. RN100542281
Media Air
Enf. Coordinator Toni Red

Docket No. 2021-0222-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2128, SC No. 1, FOP No. O1426, GTC and STC No. 38, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 122.75 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 276744) that occurred on January 19, 2018 and lasted one hour and 15 minutes. The emissions event occurred when the residual water that was trapped inside the bonnet gate valve froze and damaged the bonnet bolts, creating a gap between the bonnet bolts and the flange of the gate valve and resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

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

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

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes The Respondent completed corrective actions by November 15, 2018, prior to the NOE dated March 5, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$411

Violation Final Penalty Total \$6,563

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

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 60355
Reg. Ent. Reference No. RN100542281
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	19-Jan-2018	15-Nov-2018	0.82	\$411	n/a	\$411

Notes for DELAYED costs

Estimated cost to clear Tank 1217 and associated piping, update the Process Safety Startup Review checklist, incorporate the lessons learned into a new operator training module, and conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276744. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$411

The TCEQ is committed to accessibility.

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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.

Customer, Respondent, or Owner/Operator:	CN600124705, Equistar Chemicals, LP	Classification:	SATISFACTORY	Rating:	4.98
Regulated Entity:	RN100542281, EQUISTAR CHEMICALS CHANNELVIEW COMPLEX	Classification:	SATISFACTORY	Rating:	5.52
Complexity Points:	43	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	8280 SHELDON ROAD, CHANNELVIEW, HARRIS COUNTY, TEXAS				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0033B
AIR OPERATING PERMITS PERMIT 3585

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011578

AIR NEW SOURCE PERMITS PERMIT 1768
AIR NEW SOURCE PERMITS PERMIT 2933
AIR NEW SOURCE PERMITS PERMIT 3130A
AIR NEW SOURCE PERMITS PERMIT 6245
AIR NEW SOURCE PERMITS PERMIT 8125
AIR NEW SOURCE PERMITS REGISTRATION 10700
AIR NEW SOURCE PERMITS REGISTRATION 11735
AIR NEW SOURCE PERMITS REGISTRATION 13849
AIR NEW SOURCE PERMITS REGISTRATION 12341
AIR NEW SOURCE PERMITS REGISTRATION 23079
AIR NEW SOURCE PERMITS REGISTRATION 30868
AIR NEW SOURCE PERMITS REGISTRATION 34897
AIR NEW SOURCE PERMITS REGISTRATION 47487
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0033B
AIR NEW SOURCE PERMITS PERMIT 49120
AIR NEW SOURCE PERMITS REGISTRATION 74110
AIR NEW SOURCE PERMITS REGISTRATION 78278
AIR NEW SOURCE PERMITS REGISTRATION 78191
AIR NEW SOURCE PERMITS REGISTRATION 79431
AIR NEW SOURCE PERMITS REGISTRATION 82226
AIR NEW SOURCE PERMITS REGISTRATION 84183
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1272
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1270
AIR NEW SOURCE PERMITS EPA PERMIT N144
AIR NEW SOURCE PERMITS REGISTRATION 140463
AIR NEW SOURCE PERMITS REGISTRATION 107332
AIR NEW SOURCE PERMITS REGISTRATION 52720
AIR NEW SOURCE PERMITS REGISTRATION 153580
AIR NEW SOURCE PERMITS REGISTRATION 72948
AIR NEW SOURCE PERMITS REGISTRATION 74051
AIR NEW SOURCE PERMITS REGISTRATION 76693
AIR NEW SOURCE PERMITS REGISTRATION 78173
AIR NEW SOURCE PERMITS REGISTRATION 78978
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HGA061I
AIR NEW SOURCE PERMITS REGISTRATION 96384
AIR NEW SOURCE PERMITS EPA PERMIT N140

AIR OPERATING PERMITS PERMIT 1426
AIR QUALITY NON PERMITTED ID NUMBER LGL106088529
AIR NEW SOURCE PERMITS AFS NUM 4820101886
AIR NEW SOURCE PERMITS PERMIT 2128
AIR NEW SOURCE PERMITS PERMIT 2936
AIR NEW SOURCE PERMITS PERMIT 3294
AIR NEW SOURCE PERMITS PERMIT 6387
AIR NEW SOURCE PERMITS REGISTRATION 10586
AIR NEW SOURCE PERMITS REGISTRATION 10812
AIR NEW SOURCE PERMITS REGISTRATION 12334
AIR NEW SOURCE PERMITS REGISTRATION 15348
AIR NEW SOURCE PERMITS PERMIT 22779
AIR NEW SOURCE PERMITS PERMIT 24887
AIR NEW SOURCE PERMITS REGISTRATION 32136
AIR NEW SOURCE PERMITS REGISTRATION 42948
AIR NEW SOURCE PERMITS REGISTRATION 50141
AIR NEW SOURCE PERMITS REGISTRATION 54098
AIR NEW SOURCE PERMITS PERMIT 49130
AIR NEW SOURCE PERMITS REGISTRATION 77640
AIR NEW SOURCE PERMITS REGISTRATION 78343
AIR NEW SOURCE PERMITS REGISTRATION 78381
AIR NEW SOURCE PERMITS REGISTRATION 81543
AIR NEW SOURCE PERMITS PERMIT 83799
AIR NEW SOURCE PERMITS REGISTRATION 84715
AIR NEW SOURCE PERMITS EPA PERMIT N142
AIR NEW SOURCE PERMITS PERMIT 99167
AIR NEW SOURCE PERMITS REGISTRATION 140033
AIR NEW SOURCE PERMITS REGISTRATION 140461
AIR NEW SOURCE PERMITS REGISTRATION 110688
AIR NEW SOURCE PERMITS REGISTRATION 76017
AIR NEW SOURCE PERMITS AFS NUM 4820100075
AIR NEW SOURCE PERMITS REGISTRATION 72946
AIR NEW SOURCE PERMITS REGISTRATION 74181
AIR NEW SOURCE PERMITS REGISTRATION 78128
AIR NEW SOURCE PERMITS REGISTRATION 78599
AIR NEW SOURCE PERMITS REGISTRATION 80296
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1280
AIR NEW SOURCE PERMITS EPA PERMIT N146
AIR NEW SOURCE PERMITS REGISTRATION 102688

AIR NEW SOURCE PERMITS REGISTRATION 101590
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX17
AIR NEW SOURCE PERMITS REGISTRATION 107329
AIR NEW SOURCE PERMITS EPA PERMIT N236
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1280M1
AIR NEW SOURCE PERMITS EPA PERMIT N264
AIR NEW SOURCE PERMITS REGISTRATION 153623
AIR NEW SOURCE PERMITS EPA PERMIT N266
AIR NEW SOURCE PERMITS REGISTRATION 162844
AIR NEW SOURCE PERMITS REGISTRATION 151575
AIR NEW SOURCE PERMITS REGISTRATION 150258
AIR NEW SOURCE PERMITS REGISTRATION 146626
AIR NEW SOURCE PERMITS REGISTRATION 160251
AIR NEW SOURCE PERMITS REGISTRATION 107326
AIR NEW SOURCE PERMITS REGISTRATION 136396
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1484
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX183
AIR NEW SOURCE PERMITS REGISTRATION 150586
AIR NEW SOURCE PERMITS REGISTRATION 154481
AIR NEW SOURCE PERMITS REGISTRATION 161846
AIR NEW SOURCE PERMITS REGISTRATION 144313
AIR NEW SOURCE PERMITS REGISTRATION 150877
AIR NEW SOURCE PERMITS REGISTRATION 156372
AIR NEW SOURCE PERMITS REGISTRATION 157683
AIR NEW SOURCE PERMITS REGISTRATION 157394
AIR NEW SOURCE PERMITS REGISTRATION 156159
AIR NEW SOURCE PERMITS REGISTRATION 157139
AIR NEW SOURCE PERMITS EPA PERMIT N140M1
AIR NEW SOURCE PERMITS REGISTRATION 159783
AIR NEW SOURCE PERMITS REGISTRATION 159310
AIR NEW SOURCE PERMITS REGISTRATION 162742
AIR NEW SOURCE PERMITS REGISTRATION 155486
AIR NEW SOURCE PERMITS REGISTRATION 157735
AIR NEW SOURCE PERMITS REGISTRATION 157687
AIR NEW SOURCE PERMITS PERMIT 152184
AIR NEW SOURCE PERMITS EPA PERMIT N142M1
AIR NEW SOURCE PERMITS REGISTRATION 159655

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30030
STORMWATER PERMIT TXR15774W
WASTEWATER EPA ID TX0003531
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HGA061I

POLLUTION PREVENTION PLANNING ID NUMBER P00405
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD058275769
TAX RELIEF ID NUMBER 17982

AIR NEW SOURCE PERMITS REGISTRATION 102073
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX150
AIR NEW SOURCE PERMITS REGISTRATION 107327
AIR NEW SOURCE PERMITS REGISTRATION 108152
AIR NEW SOURCE PERMITS REGISTRATION 151917
AIR NEW SOURCE PERMITS PERMIT AMOC85
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1540
AIR NEW SOURCE PERMITS REGISTRATION 163917
AIR NEW SOURCE PERMITS REGISTRATION 163918
AIR NEW SOURCE PERMITS REGISTRATION 148067
AIR NEW SOURCE PERMITS REGISTRATION 148101
AIR NEW SOURCE PERMITS REGISTRATION 150493
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX10
AIR NEW SOURCE PERMITS REGISTRATION 107331
AIR NEW SOURCE PERMITS REGISTRATION 107330
AIR NEW SOURCE PERMITS REGISTRATION 106675
AIR NEW SOURCE PERMITS PERMIT 152181
AIR NEW SOURCE PERMITS REGISTRATION 152979
AIR NEW SOURCE PERMITS REGISTRATION 162810
AIR NEW SOURCE PERMITS REGISTRATION 165318
AIR NEW SOURCE PERMITS REGISTRATION 150810
AIR NEW SOURCE PERMITS REGISTRATION 159958
AIR NEW SOURCE PERMITS REGISTRATION 159881
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX182
AIR NEW SOURCE PERMITS PERMIT AMOC157
AIR NEW SOURCE PERMITS REGISTRATION 160287
AIR NEW SOURCE PERMITS REGISTRATION 157863
AIR NEW SOURCE PERMITS REGISTRATION 160943
AIR NEW SOURCE PERMITS REGISTRATION 161239
AIR NEW SOURCE PERMITS REGISTRATION 155453
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1542
AIR NEW SOURCE PERMITS REGISTRATION 156509
AIR NEW SOURCE PERMITS REGISTRATION 160252
AIR NEW SOURCE PERMITS REGISTRATION 158059
AIR NEW SOURCE PERMITS REGISTRATION 158833
AIR NEW SOURCE PERMITS EPA PERMIT N280
AIR NEW SOURCE PERMITS REGISTRATION 159818
STORMWATER PERMIT TXR05BR93

STORMWATER PERMIT TXR05DX41
WASTEWATER PERMIT WQ0000391000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0033B
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30030
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50117

TAX RELIEF ID NUMBER 17981

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

Date Compliance History Report Prepared: June 18, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 18, 2016 to June 18, 2021

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

Name: Toni Red

Phone: (512) 239-1704

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	July 19, 2016	(1359080)
Item 2	August 19, 2016	(1365502)
Item 3	September 20, 2016	(1372205)
Item 4	November 16, 2016	(1369934)
Item 5	November 17, 2016	(1371344)
Item 6	November 18, 2016	(1384342)
Item 7	November 29, 2016	(1330289)
Item 8	December 05, 2016	(1376294)
Item 9	December 12, 2016	(1381561)
Item 10	December 14, 2016	(1390479)
Item 11	January 06, 2017	(1383283)
Item 12	January 18, 2017	(1378238)
Item 13	January 19, 2017	(1397096)
Item 14	January 23, 2017	(1370942)
Item 15	February 16, 2017	(1403980)
Item 16	March 16, 2017	(1411081)
Item 17	March 20, 2017	(1395523)
Item 18	March 24, 2017	(1401577)
Item 19	March 30, 2017	(1100613)
Item 20	April 17, 2017	(1417578)

Item 21	May 17, 2017	(1425174)
Item 22	June 19, 2017	(1431173)
Item 23	June 27, 2017	(1416424)
Item 24	July 13, 2017	(1416583)
Item 25	July 18, 2017	(1439783)
Item 26	July 24, 2017	(1423643)
Item 27	August 17, 2017	(1443471)
Item 28	September 18, 2017	(1435219)
Item 29	September 26, 2017	(1435861)
Item 30	September 27, 2017	(1435534)
Item 31	October 17, 2017	(1455917)
Item 32	November 15, 2017	(1435876)
Item 33	November 16, 2017	(1461400)
Item 34	December 19, 2017	(1467779)
Item 35	January 19, 2018	(1474483)
Item 36	February 13, 2018	(1459054)
Item 37	February 19, 2018	(1486710)
Item 38	March 19, 2018	(1490388)
Item 39	March 21, 2018	(1473717)
Item 40	April 18, 2018	(1493624)
Item 41	May 17, 2018	(1500542)
Item 42	June 19, 2018	(1507659)
Item 43	June 25, 2018	(1496737)
Item 44	June 28, 2018	(1498638)
Item 45	July 17, 2018	(1499562)
Item 46	July 23, 2018	(1498606)
Item 47	July 25, 2018	(1499501)
Item 48	July 27, 2018	(1499298)
Item 49	July 30, 2018	(1499343)
Item 50	July 31, 2018	(1499427)
Item 51	August 01, 2018	(1499276)
Item 52	August 02, 2018	(1499681)
Item 53	August 08, 2018	(1499303)
Item 54	August 17, 2018	(1520038)
Item 55	August 31, 2018	(1430601)
Item 56	September 04, 2018	(1459361)
Item 57	September 12, 2018	(1499801)
Item 58	September 14, 2018	(1499704)
Item 59	September 19, 2018	(1527203)
Item 60	October 18, 2018	(1517770)
Item 61	October 25, 2018	(1499831)
Item 62	October 29, 2018	(1524816)
Item 63	November 19, 2018	(1541396)
Item 64	November 21, 2018	(1513798)
Item 65	December 20, 2018	(1545180)
Item 66	January 16, 2019	(1499798)
Item 67	January 18, 2019	(1559514)
Item 68	February 20, 2019	(1559512)
Item 69	March 20, 2019	(1559513)
Item 70	March 21, 2019	(1549959)
Item 71	April 15, 2019	(1551355)
Item 72	April 18, 2019	(1571777)
Item 73	April 24, 2019	(1554385)
Item 74	May 14, 2019	(1555082)
Item 75	May 20, 2019	(1558304)
Item 76	June 05, 2019	(1555640)
Item 77	June 06, 2019	(1555652)
Item 78	June 20, 2019	(1583164)
Item 79	June 28, 2019	(1540598)
Item 80	July 18, 2019	(1593090)

Item 81	July 29, 2019	(1581312)
Item 82	August 16, 2019	(1599436)
Item 83	September 12, 2019	(1581499)
Item 84	September 20, 2019	(1606341)
Item 85	October 17, 2019	(1613187)
Item 86	December 20, 2019	(1626353)
Item 87	January 17, 2020	(1633994)
Item 88	February 20, 2020	(1640613)
Item 89	April 28, 2020	(1639046)
Item 90	May 14, 2020	(1647047)
Item 91	May 15, 2020	(1647024)
Item 92	May 19, 2020	(1660055)
Item 93	June 01, 2020	(1612768)
Item 94	June 17, 2020	(1575143)
Item 95	July 16, 2020	(1645374)
Item 96	July 17, 2020	(1673516)
Item 97	August 04, 2020	(1663519)
Item 98	August 18, 2020	(1680290)
Item 99	August 27, 2020	(1633242)
Item 100	August 28, 2020	(1657041)
Item 101	September 17, 2020	(1686861)
Item 102	September 18, 2020	(1672612)
Item 103	October 06, 2020	(1678886)
Item 104	October 19, 2020	(1693207)
Item 105	October 23, 2020	(1652131)
Item 106	November 04, 2020	(1686001)
Item 107	November 17, 2020	(1672688)
Item 108	November 19, 2020	(1712313)
Item 109	December 17, 2020	(1712314)
Item 110	January 18, 2021	(1712315)
Item 111	February 19, 2021	(1725369)
Item 112	February 26, 2021	(1703728)
Item 113	April 12, 2021	(1707502)
Item 114	April 20, 2021	(1725371)
Item 115	June 02, 2021	(1724432)
Item 116	June 14, 2021	(1701515)

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

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

- 1 Date: 11/24/2020 (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)

2 Date: 02/28/2021 (1725370)

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: 03/08/2021 (1672813)

Self Report? NO Classification: Minor

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, 2019 to December 31, 2019. (Category C3 violation)

F. Environmental audits:

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

Notice of Intent Date: 12/09/2020 (1703751)
No DOV Associated

Notice of Intent Date: 04/22/2021 (1722648)
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**

**§
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§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-0222-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 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 \$26,251 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,501 of the penalty and \$5,250 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, \$10,500 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. By November 15, 2018, cleared Tank 1217 and associated piping, updated the Process Safety Startup Review checklist, incorporated the lessons learned into a new operator training module, and conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276744.
 - b. By June 1, 2020, replaced the Demethanizer Level Transmitter and placed the Demethanizer Level Transmitter on a three-year preventative maintenance schedule in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 331037.
 - c. By December 25, 2020, added a caustic "Low Flow" scenario to the process hazard analysis to mitigate the hazard of high carbonates in the Recovery Solvent System, increased the Tank 3006 and overhead sampling frequency to three times per week, and added carbonate levels to the daily/monthly Recovery Engineering and Process Specialist Key Performance Indices in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 344019.

II. ALLEGATIONS

1. During a record review conducted from October 26, 2020 through November 9, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 6245, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1426, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 37, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 441.95 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 344019) that occurred on October 14, 2020 and lasted three hours and 39 minutes. The emissions event occurred when the lack of control of carbonates in the system caused corrosion, resulting in a pinhole leak in the Heat Exchanger E-3026 shell and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review conducted from December 7, 2020 through December 21, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), NSR Permit Nos. 1768, PSDTX1272, and N142, SC No. 1, FOP No. O1426, GTC and STC Nos. 1.A and 37, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 143.40 lbs of VOC, 3,956.40 lbs of HRVOC, 1,048.70 lbs of carbon monoxide, and 86.60 lbs of nitrogen oxides from the Olefins Production Unit 1 Flare, Emissions Point Number 38E01, during an emissions event (Incident No. 331037) that occurred on February 26, 2020 and lasted six hours. The emissions event occurred when the Demethanizer Level Transmitter showed a false level that caused a low level in the Demethanizer and led to methane passing through the tower bottoms, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. During a record review conducted from January 15, 2019 through February 13, 2019, an investigator documented that the respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2128, SC No. 1, FOP No. O1426, GTC and STC No. 38, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 122.75 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 276744) that occurred on January 19, 2018 and lasted one hour and 15 minutes. The emissions event occurred when the residual water that was trapped inside the bonnet valve froze and damaged the bonnet bolts, creating a gap between the bonnet bolts and the flange of the gate valve and resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and

maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2021-0222-AIR-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$10,500 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



5/18/2022

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:

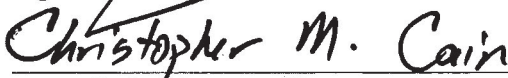
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

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



Signature

10/21/2021
Date



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

Site Manager
Title

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

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

Attachment A
Docket Number: 2021-0222-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	\$21,001
SEP Offset Amount:	\$10,500
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

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

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston Regional Monitoring Corp
ATTN: Chris Amandes
2227 Tangle Street
Houston, Texas 77005

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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