

Executive Summary – Enforcement Matter – Case No. 59915
Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
RN100210319
Docket No. 2021-0238-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, located approximately one mile north of the intersection of Miller Cut Off Road and State Highway 225, La Porte, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 24, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$92,711

Amount Deferred for Expedited Settlement: \$18,542

Total Paid to General Revenue: \$37,085

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$37,084

Name of SEP: City of Morgan’s Point (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

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 20, 2019 through November 26, 2019

Date(s) of NOE(s): August 25, 2020

Executive Summary – Enforcement Matter – Case No. 59915
Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
RN100210319
Docket No. 2021-0238-IWD-E

Violation Information

1. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, heavy rains and large volumes of steam condensate caused the Facility's wastewater ponds to rise which resulted in five unauthorized discharges from the ponds at 1515 Miller Cut Off Road during September 2018, December 2018, May 2019, September 2019, and November 2019, as shown in the table below [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004013000, Permit Conditions No. 2.g].

2. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, improper operation of a frac tank resulted in one unauthorized discharge from the frac tank at 1515 Miller Cut Off Road during October 2018 [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004013000, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By December 17, 2019, the Respondents emptied and removed the leaking frac tank; removed and disposed of contaminated soil from around the frac tank; utilized a vacuum truck to collect and dispose of the discharge; flushed drainage pipes with clean water, diverted high flow to numerous frac tanks for added storage and offsite disposal, upgraded clarifier equipment including installation of a new feed skid and bulk tank, upgraded metallurgy of the injection quill, and purchased a spare pump and mixer; increased inventory of back-up submersible pumps and pump seals; implemented new guidelines and best management practices; initiated the design phase for total organic carbon analyzer addition; and performed improvement and reliability tests.

Technical Requirements:

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

Executive Summary – Enforcement Matter – Case No. 59915
Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
RN100210319
Docket No. 2021-0238-IWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alyssa Loveday, Enforcement Division,
Enforcement Team 1, MC 219, (512) 239-5504; 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: City of Morgan's Point, 510 Bayridge Road,
Morgan's Point, Texas 77571

Respondent: Stephen G. Goff, Site Manager, Equistar Chemicals, LP and
LyondellBasell Acetyls, LLC, P.O. Drawer D, Deer Park, Texas 77571-9810

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	31-Aug-2020	Screening	9-Sep-2020	EPA Due	
	PCW	24-Mar-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
Reg. Ent. Ref. No.	RN100210319
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59915	No. of Violations	2
Docket No.	2021-0238-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Alyssa Loveday
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$41,250
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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	\$41,250
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Notes: Enhancement for two NOVs with dissimilar violations, eleven orders containing a denial of liability, and one order without a denial of liability. Reduction for five notices of intent to conduct an audit and four 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	-\$10,312
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Economic Benefit	50.0% Enhancement*	Subtotal 6	\$20,523
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Total EB Amounts: \$20,523
 Estimated Cost of Compliance: \$326,400
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$92,711
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$92,711
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$92,711
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DEFERRAL	20.0% Reduction	Adjustment	-\$18,542
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$74,169
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Screening Date 9-Sep-2020

Docket No. 2021-0238-IWD-E

PCW

Respondent Equistar Chemicals, LP and LyondellBasell Acetyls, LLC

Policy Revision 4 (April 2014)

Case ID No. 59915

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100210319

Media Water Quality

Enf. Coordinator Alyssa Loveday

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>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 236%

>> 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 two NOVs with dissimilar violations, eleven orders containing a denial of liability, and one order without a denial of liability. Reduction for five notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 236%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 9-Sep-2020 **Docket No.** 2021-0238-IWD-E **PCW**
Respondent Equistar Chemicals, LP and LyondellBasell Acetyls, LLC *Policy Revision 4 (April 2014)*
Case ID No. 59915 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100210319
Media Water Quality
Enf. Coordinator Alyssa Loveday

Violation Number 1
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004013000, Permit Conditions No. 2.g
Violation Description Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, heavy rains and large volumes of steam condensate caused the Facility's wastewater ponds to rise which resulted in five unauthorized discharges from the ponds at 1515 Miller Cut Off Road, as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		Percent 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 the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	5	11	Number of violation days
daily			
weekly			
monthly	x		
quarterly			
semiannual			
annual			
single event			

Violation Base Penalty \$37,500

Five monthly events are recommended, one monthly event for the discharge that began on September 14, 2018 and was corrected on September 15, 2018; one monthly event for December 8, 2018 and was corrected on December 8, 2018; one monthly event for the discharge that began on May 10, 2019 and was corrected on May 11, 2019; one monthly event for the discharge that began on September 17, 2019 and was corrected on September 20, 2019; and one monthly event for the discharge that began on November 4, 2019 and was corrected on November 5, 2019.

Good Faith Efforts to Comply 25.0%

Reduction \$9,375

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

Notes The Respondents achieved compliance by December 17, 2019, prior to the Notice of Enforcement dated August 25, 2020.

Violation Subtotal \$28,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20,523

Violation Final Penalty Total \$75,887

This violation Final Assessed Penalty (adjusted for limits) \$75,887

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
Case ID No. 59915
Reg. Ent. Reference No. RN100210319
Media Water Quality
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)	\$326,400	14-Sep-2018	17-Dec-2019	1.26	\$20,523	n/a	\$20,523

Notes for DELAYED costs

Actual costs to empty and remove the leaking frac tank; remove and dispose of contaminated soil from around the frac trunk; utilize a vacuum truck to collect and dispose of the discharge; flush drainage pipes with clean water, divert high flow to numerous frac tanks for added storage and offsite disposal, upgrade clarifier equipment including installation of a new feed skid and bulk tank, upgrade metallurgy of injection quill and purchase a spare pump and mixer; increase inventory of back-up submersible pumps and pump seals; implement new guidelines and best management practices; initiate the design phase for total organic carbon analyzer addition; and perform improvement and reliability tests. The Date required is the start date of the first unauthorized discharge 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 \$326,400

TOTAL \$20,523

Screening Date 9-Sep-2020

Docket No. 2021-0238-IWD-E

PCW

Respondent Equistar Chemicals, LP and LyondellBasell Acetyls, LLC

Policy Revision 4 (April 2014)

Case ID No. 59915

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100210319

Media Water Quality

Enf. Coordinator Alyssa Loveday

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004013000, Permit Conditions No. 2.g

Violation Description Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, improper operation of a frac tank resulted in one unauthorized discharge from the frac tank at 1515 Miller Cut Off Road, as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 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 for the discharge that began on October 23, 2018 and was corrected on October 23, 2018.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes The Respondents achieved compliance by December 17, 2019, prior to the Notice of Enforcement dated August 25, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$16,825

This violation Final Assessed Penalty (adjusted for limits) \$16,825

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
Case ID No. 59915
Reg. Ent. Reference No. RN100210319
Media Water Quality
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

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

\$0

TOTAL

\$0

Equistar Chemicals, LP and LyondellBasell Acetyls, LLC

TPDES Permit No. WQ0004013000

Docket No. 2021-0238-IWD-E

Case No. 59915

Unauthorized Discharge Table			
Date	Amount Discharged (gallons)	Description	Corrective Action
September 14-15, 2018	276,000	Heavy rains caused the wastewater ponds to rise, resulting in the stormwater pond overflowing and flowing to the Harris County ditch and to the ship channel.	High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.
October 23, 2018	5,000	Untreated wastewater was discharged from a frac tank due to a partially open valve. The discharge drained into surface drainage ditches and to the ship channel.	The frac tank was emptied and removed. Soil and gravel around the tank was collected in a roll-off box for landfill disposal. All standing wastewater was picked up by a vacuum truck and disposed of, and drainage pipes were flushed with clean water.
December 8, 2018	613,000	Heavy rains caused the wastewater ponds to rise, leading Operations personnel to pump excess wastewater to a nearby ditch that then flows to the Harris County ditch and to the ship channel.	High flow was diverted to numerous frac tanks for added storage and offsite disposal, clarifier equipment was upgraded, the metallurgy of injection quill, and the level instrumentation in collection sumps, installed a new feed skid and bulk tank, purchased spare pumps and mixers, implemented new guidelines and best management practices, and designed total organic carbon analyzers.
May 10-11, 2019	873,394	Heavy rains caused the wastewater ponds to rise. Operations personnel to pumped excess wastewater to a nearby ditch that flowed to an unnamed ditch and to the San Jacinto Bay.	High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.

September 17-20, 2019	6,927,270	<p>Heavy rains caused the wastewater ponds to rise. Operations personnel pumped excess wastewater to a nearby ditch that flowed to an unnamed ditch and to the San Jacinto Bay.</p>	<p>High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.</p>
November 4-5, 2019	1,210,298	<p>Large volumes of steam condensate drained to the process wastewater sumps causing the wastewater ponds to rise. Operations personnel pumped excess wastewater to a nearby ditch that flowed to an unnamed ditch and to the San Jacinto Bay.</p>	<p>High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.</p>

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Compliance History Report

Compliance History Report for CN600124705, RN100210319, 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: RN100210319, EQUISTAR CHEMICALS **Classification:** SATISFACTORY **Rating:** 13.31
LA PORTE COMPLEX

Complexity Points: 42 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 1515 Miller Cut Off Road, approximately one mile north of the intersection of Miller Cut Off Road and State Highway 225 in La Porte, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0770G
AIR OPERATING PERMITS PERMIT 2223

AIR NEW SOURCE PERMITS PERMIT 19109
AIR NEW SOURCE PERMITS PERMIT 5226
AIR NEW SOURCE PERMITS REGISTRATION 46127
AIR NEW SOURCE PERMITS AFS NUM 4820100055
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX818
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M3
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M4
AIR NEW SOURCE PERMITS REGISTRATION 102494
AIR NEW SOURCE PERMITS REGISTRATION 133377
AIR NEW SOURCE PERMITS REGISTRATION 138607
AIR NEW SOURCE PERMITS EPA PERMIT GHGSPSDTX12
AIR NEW SOURCE PERMITS REGISTRATION 153017
AIR NEW SOURCE PERMITS REGISTRATION 152172
AIR NEW SOURCE PERMITS REGISTRATION 162490
AIR NEW SOURCE PERMITS REGISTRATION 151085
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1574
AIR NEW SOURCE PERMITS REGISTRATION 154421
AIR NEW SOURCE PERMITS REGISTRATION 158266
AIR NEW SOURCE PERMITS REGISTRATION 159535
AIR NEW SOURCE PERMITS REGISTRATION 158696

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 85436

STORMWATER PERMIT TXR05N516

WASTEWATER PERMIT WQ0004013000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0770G

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000025809

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50383

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41405

AIR OPERATING PERMITS PERMIT 1606
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012680
AIR NEW SOURCE PERMITS PERMIT 4477
AIR NEW SOURCE PERMITS PERMIT 18978
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0770G
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752
AIR NEW SOURCE PERMITS REGISTRATION 53387
AIR NEW SOURCE PERMITS PERMIT 83822
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M2
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M5
AIR NEW SOURCE PERMITS EPA PERMIT N162
AIR NEW SOURCE PERMITS EPA PERMIT N190
AIR NEW SOURCE PERMITS PERMIT 114809
AIR NEW SOURCE PERMITS REGISTRATION 134079
AIR NEW SOURCE PERMITS REGISTRATION 159015
AIR NEW SOURCE PERMITS REGISTRATION 153696
AIR NEW SOURCE PERMITS EPA PERMIT N162M2
AIR NEW SOURCE PERMITS EPA PERMIT N190M2
AIR NEW SOURCE PERMITS PERMIT AMOC162
AIR NEW SOURCE PERMITS EPA PERMIT N162M1
AIR NEW SOURCE PERMITS REGISTRATION 155981
AIR NEW SOURCE PERMITS REGISTRATION 152926
AIR NEW SOURCE PERMITS EPA PERMIT N190M1
IHW CORRECTIVE ACTION PERMIT 50383

STORMWATER PERMIT TXR15900L

WASTEWATER EPA ID TX0119792

POLLUTION PREVENTION PLANNING ID NUMBER P00553

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

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490354804

TAX RELIEF ID NUMBER 21120

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

Date Compliance History Report Prepared: March 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 30, 2016 to March 30, 2021

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

Name: Alyssa Loveday

Phone: (512) 239-5504

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 04/08/2016 ADMINORDER 2015-0592-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 115, SubChapter H 115.781(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: ST&C 1(A) OP
Description: Failure to monitor one Relief Valve (RV) within 24 hours after venting to the atmosphere.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to obtain permit amendment approval to their NSR prior to Q1 vent system modification.
Sub-category: A2c.
Classification: Major
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC No. 1 OP
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event (Category A12.i.(6)).
- 2 Effective Date: 05/04/2017 ADMINORDER 2016-1266-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.. [Category A.12.i(6)]
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i.(6)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i.(6)
- 3 Effective Date: 09/11/2017 ADMINORDER 2016-1868-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
STC 17 OP

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

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

4 Effective Date: 11/15/2017 ADMINORDER 2017-0420-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
ST&C 17 OP

Description: Failure to meet the annual allowable MSS emissions limits for Q1 flare's VOC, CO, and NOx. Sub-category: A12i(6).

5 Effective Date: 08/22/2018 ADMINORDER 2017-1099-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 4477, Special Condition 1 PERMIT
STC No. 18 OP

Description: Failure to prevent unauthorized emissions.

6 Effective Date: 08/28/2018 ADMINORDER 2015-1204-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
ST&C 18 OP

Description: Failed to comply with the maximum allowable ammonia emissions rate of 3.11 pounds per hour ("lbs/hr") for Furnace 11, as documented during a record review conducted from May 20, 2015 through June 3, 2015. Specifically, during a stack test for EPN QE1011B conducted on October 28, 2014, it was determined that the ammonia emissions rate was 35.25 lbs/hr, resulting in the unauthorized release of approximately 136,530.72 lbs of ammonia.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC(2)(C) PERMIT
ST&C 18 OP

Description: Failed to comply with ammonia slip concentration of 10 parts per million by volume ("ppmv") at 3% oxygen for Furnace 11, as documented during a record review conducted from May 20, 2015 through June 3, 2015. Specifically, during a stack test for EPN QE1011B conducted on October 28, 2014, the ammonia slip concentration was 159.4 ppmv at 3% oxygen.

7 Effective Date: 05/13/2019 ADMINORDER 2018-0586-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 1 OP
STC No. 18 OP

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

8 Effective Date: 12/03/2019 ADMINORDER 2018-1557-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 83822, Special Condition 1 PERMIT

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

9 Effective Date: 02/14/2020 ADMINORDER 2018-0544-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failed to comply with permitted effluent limitations, as shown in the effluent violation table below

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents did not collect and analyze biochemical oxygen demand (5-day), total organic carbon, and total suspended solids at Outfall 003 for the monthly monitoring period ending October 31, 2017.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 307 307.6(e)(2)(B)
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents did not collect and analyze the effluent for lethality at Outfall 003 by the period ending December 31, 2017.

10 Effective Date: 07/20/2020 ADMINORDER 2019-0620-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions during an emissions event [Category A12(i)(6)].

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(E)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

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

11 Effective Date: 09/16/2020 ADMINORDER 2020-0263-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during and emissions event and failure to comply with the 1,200 lbs per hour limit for highly reactive volatile organic compounds (Category A12(i)(6)).

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 04, 2016	(1313385)	Item 36	May 08, 2019	(1586888)
Item 2	May 20, 2016	(1347584)	Item 37	May 14, 2019	(1556640)
Item 3	June 09, 2016	(1335085)	Item 38	June 05, 2019	(1556390)
Item 4	June 17, 2016	(1353976)	Item 39	June 10, 2019	(1586889)
Item 5	September 20, 2016	(1374157)	Item 40	June 17, 2019	(1575865)
Item 6	October 10, 2016	(1344223)	Item 41	August 05, 2019	(1580500)
Item 7	October 18, 2016	(1380273)	Item 42	August 09, 2019	(1601286)
Item 8	December 13, 2016	(1392374)	Item 43	October 14, 2019	(1615065)
Item 9	December 21, 2016	(1358848)	Item 44	November 08, 2019	(1603156)
Item 10	April 12, 2017	(1401946)	Item 45	November 13, 2019	(1620871)
Item 11	June 03, 2017	(1342983)	Item 46	December 05, 2019	(1526995)
Item 12	June 20, 2017	(1433106)	Item 47	December 17, 2019	(1628205)
Item 13	July 06, 2017	(1423684)	Item 48	January 20, 2020	(1635831)
Item 14	October 02, 2017	(1438851)	Item 49	January 24, 2020	(1624301)
Item 15	December 11, 2017	(1455482)	Item 50	February 20, 2020	(1642446)
Item 16	February 16, 2018	(1488551)	Item 51	March 09, 2020	(1633610)
Item 17	March 19, 2018	(1492212)	Item 52	March 20, 2020	(1648956)
Item 18	May 03, 2018	(1502438)	Item 53	April 20, 2020	(1655312)
Item 19	June 12, 2018	(1509556)	Item 54	May 06, 2020	(1580817)
Item 20	July 06, 2018	(1515872)	Item 55	May 19, 2020	(1661868)
Item 21	July 16, 2018	(1497243)	Item 56	June 20, 2020	(1668406)
Item 22	August 07, 2018	(1521913)	Item 57	July 03, 2020	(1653138)
Item 23	September 17, 2018	(1529111)	Item 58	July 20, 2020	(1675353)
Item 24	September 19, 2018	(1517776)	Item 59	August 20, 2020	(1682133)
Item 25	September 24, 2018	(1517530)	Item 60	August 31, 2020	(1670550)
Item 27	November 12, 2018	(1543272)	Item 61	September 20, 2020	(1688697)
Item 28	December 17, 2018	(1547003)	Item 62	October 06, 2020	(1678920)
Item 30	January 15, 2019	(1565181)	Item 63	October 09, 2020	(1679807)
Item 31	January 24, 2019	(1537335)	Item 64	October 19, 2020	(1630182)
Item 32	February 08, 2019	(1565179)	Item 65	October 20, 2020	(1695063)
Item 33	March 11, 2019	(1565180)	Item 66	January 29, 2021	(1698935)
Item 34	April 15, 2019	(1573649)	Item 67	February 25, 2021	(1699741)
Item 35	May 01, 2019	(1552261)			

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

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

1 Date: 06/03/2020 (1532053)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14 PERMIT
Special Term and Condition 15 OP

Description: Failure to collect septum sample. (Category B1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP

Description: Failure to maintain differential pressure for EPN Q1F15004. (Category B18g(1) 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)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP

Description: Failure to maintain differential pressure for EPN Q1F01426. (Category B18g(1) 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)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP

Description: Failure to maintain differential pressure for EPN Q1FEEDVB. (Category B18g(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

2

Date: 06/15/2020 (1592400)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: Failure to report all instances of deviations for the reporting period of April 01, 2018 through September 30, 2018. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all instances of deviations for the reporting period of October 01, 2018 through March 31, 2019. (Category B3)

F. Environmental audits:

Notice of Intent Date: 05/05/2016 (1335486)

No DOV Associated

Notice of Intent Date: 03/22/2017 (1402068)

Disclosure Date: 10/10/2018

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 1
OP STC No. 18

Description: Failed to limit PM10 emissions to the limits specified in the permit. Specifically, stack testing was performed on March 27, 2018 on the de-coke pot for Furnaces 10 and 11 (EPN QE1422F) per the request of the manufacturer to verify the de-coke pot met the design parameters. The results received on May 29, 2018 indicated there was a non-compliance with PM10 emissions limits during the stack test.

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

Disclosure Date: 10/19/2017

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(b)(2)

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)

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

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 11

OP Special Terms and Conditions No. 15

- Description: Failed to monitor steam condensate collected from heat exchanges in HRVOC service prior to entering the Q1 cooling tower basin.
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Special Terms and Conditions No. 13
- Description: Failed to calibrate the thermocouple used for monitoring presence of the flare pilot flame on the Q1 Flare (EPN: HSFLARE) since 2002.
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Special Terms and Conditions No. 13
- Description: Failed to calibrate the thermocouple used for monitoring presence of the flare pilot flame on the AB3 Flare (EPN: L3FLARE).
Disclosure Date: 12/21/2017
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
30 TAC Chapter 335, SubChapter R 335.513(a)
30 TAC Chapter 335, SubChapter C 335.62
- Description: Failed to update Waste Analysis Plan and waste stream documentation.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
- Description: Failed to classify waste streams with all applicable waste codes or are not being identified on the facility NOR as required.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)
30 TAC Chapter 335, SubChapter C 335.67(a)
- Description: Failed to correctly complete manifests as specified by the instructions included in 40 CFR 262 Appendix.
Viol. Classification: Minor
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.32
30 TAC Chapter 335, SubChapter C 335.67(a)
- Description: Failed to label hazardous waste drums with proper DOT shipping names.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
30 TAC Chapter 335, SubChapter C 335.69(a)(2)
30 TAC Chapter 335, SubChapter C 335.69(a)(3)
- Description: Failed to label hazardous waste drums with the words "hazardous waste" and with accumulation dates.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(b)
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
- Description: Failed to limit storage of hazardous waste to 90 days in Tank V3453F.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)
30 TAC Chapter 335, SubChapter C 335.69(d)
30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)
- Description: Failed to store hazardous waste containers in less than 90-day storage area. Specifically, they are being stored in Satellite Accumulation areas instead and the list of Satellite Accumulation Areas does not identify all current areas being utilized.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(b)
- Description: Failed to identify all container storage areas and wastewater treatment units on the facility NOR. In addition, the NOR did not properly identify the classification of units and their regulatory status.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)
30 TAC Chapter 305, SubChapter A 305.1(a)
30 TAC Chapter 335, SubChapter A 335.2
- Description: Failed to obtain permit authorization for Unit 005 prior to receiving and storing wastes received from offsite at the LyondellBasell AcetIs facility (SWR #30049) in the unit.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.14(c)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.17(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)

Rqmt Prov: PERMIT II.C.2.

Description: Failed to post signs stating "Danger Unauthorized Personnel Keep Out at some points of access to the facility and "No Smoking" at some facility access points where ignitable wastes are being handled.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: Failed to conduct weekly inspections of all hazardous waste container storage areas.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(b)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to include some required information (e.g. overfill protection, erosion around secondary containment) in the inspection form.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)

Description: Failed to maintain inspection records for three years from the date of inspection.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(b)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to inspect ancillary equipment without secondary containment during tank systems inspections.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failed to identify current personnel and equipment in the Contingency Plan.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT G 265.117(c)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: Failed to develop and implement procedures to ensure that containers of incompatible wastes are not stored nearby.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to identify precipitation and spills in hazardous waste tank secondary containment on inspection forms and ensure that they are removed within 24 hours.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to provide secondary containment for ancillary equipment consisting of pumps, valves, and non-welded connections on Tank V3453F.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to manage waste piles to ensure the wastes are within the boundary of the waste pile.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1080(b)(7)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1083(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(e)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(j)
30 TAC Chapter 335, SubChapter E 335.112(a)(21)

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

Description: Failed to identify each exclusion and/or exemption being employed and has not place the appropriate one-time notices in the facility files.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)
 30 TAC Chapter 335, SubChapter O 335.431

Description: Failed to maintain the required Land Disposal Restriction notices, certifications, and waste analysis data as required.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Part III.A.1.(a)

Description: Failed to update the facility Storm Water Pollution Prevention Plan ("SWP3") with current personnel, equipment, structures, and stormwater management practices.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Part III.B.2
 PERMIT Part III.B.5.

Description: Failed to include some stormwater outfalls and some listed inspection items in the SWP3 Quarterly Inspections and Annual Site Compliance Inspections. In addition, the completed inspection items are not being resolved and the inspections are not signed in accordance with TPDES General Permit No. TXR05N516 Part III.E.6.c.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 136, SubChapter D, PT 136 136.3
 30 TAC Chapter 319, SubChapter A 319.11

Description: Failed to ensure that wastewater samples are analyzed within holding times accepted by EPA methods. Additionally, laboratory utilized out of date standards during the analysis of wastewater and chain of custody forms did not identify the correct sample containers and/or preservatives required by EPA methods.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.22(b)

Description: Failed to ensure that only a "Responsible Official" or "Duly Authorized Representative" signed the 2016 DMR QA Proficiency Testing Study.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)

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

Notice of Intent Date: 02/08/2018 (1472413)
 Disclosure Date: 04/27/2018
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT Special Conditions No. 9.D.
 OP Special Terms and Conditions No. 15

Description: Failed to calibrate monitoring devices for Q1FEEDVB and Q1FEEDVC at least annually.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP Special Terms and Conditions No. 3.A.

Description: Failed to perform quarterly opacity observations for a Reciprocating Internal Combustion Engine designated as EPN QE638481 - Q-1Emergency Air Compressor.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT Special Conditions No. 10.B.
 PERMIT Special Conditions No. 9
 OP Special Terms and Conditions No. 15

Description: Failed to ensure that the Regenerative Thermal Oxidizer is controlling process gases from the AB3 unit in accordance with regulatory requirements.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP Special Terms and Conditions No. 3.A.

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

Notice of Intent Date: 12/07/2018 (1537804)

Disclosure Date: 04/29/2019

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT Special Conditions No. 1

OP Special Terms and Conditions No. 18

Description: Failed to accurately calculate dimethyl sulfide loading emissions routed to the Main Flare (QE8050B), resulting in higher SO2 hourly and annual emissions estimates that exceeded the MAERT.

Notice of Intent Date: 03/30/2020 (1644935)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN603674862, RN100210319, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603674862, LyondellBasell Acetyls, LLC **Classification:** SATISFACTORY **Rating:** 0.86

Regulated Entity: RN100210319, EQUISTAR CHEMICALS **Classification:** SATISFACTORY **Rating:** 1.46
LA PORTE COMPLEX

Complexity Points: 42 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 1515 Miller Cut Off Road, approximately one mile north of the intersection of Miller Cut Off Road and State Highway 225 in La Porte, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0770G
AIR OPERATING PERMITS PERMIT 2223

AIR NEW SOURCE PERMITS PERMIT 19109
AIR NEW SOURCE PERMITS PERMIT 5226
AIR NEW SOURCE PERMITS REGISTRATION 46127
AIR NEW SOURCE PERMITS AFS NUM 4820100055
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX818
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M3
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M4
AIR NEW SOURCE PERMITS REGISTRATION 102494
AIR NEW SOURCE PERMITS REGISTRATION 133377
AIR NEW SOURCE PERMITS REGISTRATION 138607
AIR NEW SOURCE PERMITS EPA PERMIT GHGSPSDTX12
AIR NEW SOURCE PERMITS REGISTRATION 153017
AIR NEW SOURCE PERMITS REGISTRATION 152172
AIR NEW SOURCE PERMITS REGISTRATION 162490
AIR NEW SOURCE PERMITS REGISTRATION 151085
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1574
AIR NEW SOURCE PERMITS REGISTRATION 154421
AIR NEW SOURCE PERMITS REGISTRATION 158266
AIR NEW SOURCE PERMITS REGISTRATION 159535
AIR NEW SOURCE PERMITS REGISTRATION 158696

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 85436

STORMWATER PERMIT TXR05N516

WASTEWATER PERMIT WQ0004013000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0770G

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000025809

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50383

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41405

AIR OPERATING PERMITS PERMIT 1606
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012680
AIR NEW SOURCE PERMITS PERMIT 4477
AIR NEW SOURCE PERMITS PERMIT 18978
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0770G
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752
AIR NEW SOURCE PERMITS REGISTRATION 53387
AIR NEW SOURCE PERMITS PERMIT 83822
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M2
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M5
AIR NEW SOURCE PERMITS EPA PERMIT N162
AIR NEW SOURCE PERMITS EPA PERMIT N190
AIR NEW SOURCE PERMITS PERMIT 114809
AIR NEW SOURCE PERMITS REGISTRATION 134079
AIR NEW SOURCE PERMITS REGISTRATION 159015
AIR NEW SOURCE PERMITS REGISTRATION 153696
AIR NEW SOURCE PERMITS EPA PERMIT N162M2
AIR NEW SOURCE PERMITS EPA PERMIT N190M2
AIR NEW SOURCE PERMITS PERMIT AMOC162
AIR NEW SOURCE PERMITS EPA PERMIT N162M1
AIR NEW SOURCE PERMITS REGISTRATION 155981
AIR NEW SOURCE PERMITS REGISTRATION 152926
AIR NEW SOURCE PERMITS EPA PERMIT N190M1
IHW CORRECTIVE ACTION PERMIT 50383

STORMWATER PERMIT TXR15900L

WASTEWATER EPA ID TX0119792

POLLUTION PREVENTION PLANNING ID NUMBER P00553

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

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490354804

TAX RELIEF ID NUMBER 21120

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

Date Compliance History Report Prepared: March 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 30, 2016 to March 30, 2021

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

Name: Alyssa Loveday

Phone: (512) 239-5504

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 04/08/2016 ADMINORDER 2015-0592-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 115, SubChapter H 115.781(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: ST&C 1(A) OP
Description: Failure to monitor one Relief Valve (RV) within 24 hours after venting to the atmosphere.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to obtain permit amendment approval to their NSR prior to Q1 vent system modification.
Sub-category: A2c.
Classification: Major
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC No. 1 OP
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event (Category A12.i.(6)).
- 2 Effective Date: 05/04/2017 ADMINORDER 2016-1266-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.. [Category A.12.i(6)]
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i.(6)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i.(6)
- 3 Effective Date: 09/11/2017 ADMINORDER 2016-1868-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
STC 17 OP

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

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

4 Effective Date: 11/15/2017 ADMINORDER 2017-0420-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
ST&C 17 OP

Description: Failure to meet the annual allowable MSS emissions limits for Q1 flare's VOC, CO, and NOx. Sub-category: A12i(6).

5 Effective Date: 08/22/2018 ADMINORDER 2017-1099-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 4477, Special Condition 1 PERMIT
STC No. 18 OP

Description: Failure to prevent unauthorized emissions.

6 Effective Date: 08/28/2018 ADMINORDER 2015-1204-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
ST&C 18 OP

Description: Failed to comply with the maximum allowable ammonia emissions rate of 3.11 pounds per hour ("lbs/hr") for Furnace 11, as documented during a record review conducted from May 20, 2015 through June 3, 2015. Specifically, during a stack test for EPN QE1011B conducted on October 28, 2014, it was determined that the ammonia emissions rate was 35.25 lbs/hr, resulting in the unauthorized release of approximately 136,530.72 lbs of ammonia.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC(2)(C) PERMIT
ST&C 18 OP

Description: Failed to comply with ammonia slip concentration of 10 parts per million by volume ("ppmv") at 3% oxygen for Furnace 11, as documented during a record review conducted from May 20, 2015 through June 3, 2015. Specifically, during a stack test for EPN QE1011B conducted on October 28, 2014, the ammonia slip concentration was 159.4 ppmv at 3% oxygen.

7 Effective Date: 05/13/2019 ADMINORDER 2018-0586-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 1 OP
STC No. 18 OP

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

8 Effective Date: 12/03/2019 ADMINORDER 2018-1557-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 83822, Special Condition 1 PERMIT

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

9 Effective Date: 02/14/2020 ADMINORDER 2018-0544-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failed to comply with permitted effluent limitations, as shown in the effluent violation table below

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents did not collect and analyze biochemical oxygen demand (5-day), total organic carbon, and total suspended solids at Outfall 003 for the monthly monitoring period ending October 31, 2017.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 307 307.6(e)(2)(B)
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit. Specifically, the Respondents did not collect and analyze the effluent for lethality at Outfall 003 by the period ending December 31, 2017.

10 Effective Date: 07/20/2020 ADMINORDER 2019-0620-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions during an emissions event [Category A12(i)(6)].

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(E)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

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

11 Effective Date: 09/16/2020 ADMINORDER 2020-0263-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during and emissions event and failure to comply with the 1,200 lbs per hour limit for highly reactive volatile organic compounds (Category A12(i)(6)).

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 04, 2016	(1313385)	Item 36	May 08, 2019	(1586888)
Item 2	May 20, 2016	(1347584)	Item 37	May 14, 2019	(1556640)
Item 3	June 09, 2016	(1335085)	Item 38	June 05, 2019	(1556390)
Item 4	June 17, 2016	(1353976)	Item 39	June 10, 2019	(1586889)
Item 5	September 20, 2016	(1374157)	Item 40	June 17, 2019	(1575865)
Item 6	October 10, 2016	(1344223)	Item 41	August 05, 2019	(1580500)
Item 7	October 18, 2016	(1380273)	Item 42	August 09, 2019	(1601286)
Item 8	December 13, 2016	(1392374)	Item 43	October 14, 2019	(1615065)
Item 9	December 21, 2016	(1358848)	Item 44	November 08, 2019	(1603156)
Item 10	April 12, 2017	(1401946)	Item 45	November 13, 2019	(1620871)
Item 11	June 03, 2017	(1342983)	Item 46	December 05, 2019	(1526995)
Item 12	June 20, 2017	(1433106)	Item 47	December 17, 2019	(1628205)
Item 13	July 06, 2017	(1423684)	Item 48	January 20, 2020	(1635831)
Item 14	October 02, 2017	(1438851)	Item 49	January 24, 2020	(1624301)
Item 15	December 11, 2017	(1455482)	Item 50	February 20, 2020	(1642446)
Item 16	February 16, 2018	(1488551)	Item 51	March 09, 2020	(1633610)
Item 17	March 19, 2018	(1492212)	Item 52	March 20, 2020	(1648956)
Item 18	May 03, 2018	(1502438)	Item 53	April 20, 2020	(1655312)
Item 19	June 12, 2018	(1509556)	Item 54	May 06, 2020	(1580817)
Item 20	July 06, 2018	(1515872)	Item 55	May 19, 2020	(1661868)
Item 21	July 16, 2018	(1497243)	Item 56	June 20, 2020	(1668406)
Item 22	August 07, 2018	(1521913)	Item 57	July 03, 2020	(1653138)
Item 23	September 17, 2018	(1529111)	Item 58	July 20, 2020	(1675353)
Item 24	September 19, 2018	(1517776)	Item 59	August 20, 2020	(1682133)
Item 25	September 24, 2018	(1517530)	Item 60	August 31, 2020	(1670550)
Item 27	November 12, 2018	(1543272)	Item 61	September 20, 2020	(1688697)
Item 28	December 17, 2018	(1547003)	Item 62	October 06, 2020	(1678920)
Item 30	January 15, 2019	(1565181)	Item 63	October 09, 2020	(1679807)
Item 31	January 24, 2019	(1537335)	Item 64	October 19, 2020	(1630182)
Item 32	February 08, 2019	(1565179)	Item 65	October 20, 2020	(1695063)
Item 33	March 11, 2019	(1565180)	Item 66	January 29, 2021	(1698935)
Item 34	April 15, 2019	(1573649)	Item 67	February 25, 2021	(1699741)
Item 35	May 01, 2019	(1552261)			

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

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

- 1 Date: 06/03/2020 (1532053)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14 PERMIT
Special Term and Condition 15 OP
- Description: Failure to collect septum sample. (Category B1 violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP
- Description: Failure to maintain differential pressure for EPN Q1F15004. (Category B18g(1) 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)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP
- Description: Failure to maintain differential pressure for EPN Q1F01426. (Category B18g(1) 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)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP
- Description: Failure to maintain differential pressure for EPN Q1FEEDVB. (Category B18g(1) violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP
- Description: Failure to conduct annual monitor calibration for Unit ID/EPN Q1F01426. (Category B1 violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP
- Description: Failure to conduct annual monitor calibration for Unit ID/EPN Q1F15003 (Category B1 violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9 PERMIT
Special Term and Condition 15 OP
- Description: Failure to conduct annual monitor calibration for Unit ID/EPN Q1F15004. (Category B1 violation)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 2E OP
- Description: Failure to include all emissions in the emission inventory (EI). (Category C9 violation)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Special Term and Condition 1G(vi) OP

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

2

Date: 06/15/2020 (1592400)

Self Report? NO

Classification: Moderate

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

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

Self Report? NO

Classification: Moderate

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

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

Self Report? NO

Classification: Moderate

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

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

Self Report? NO

Classification: Moderate

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

Description: Failure to report all instances of deviations for the reporting period of April 01, 2018 through September 30, 2018. (Category B3)

Self Report? NO

Classification: Moderate

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

Description: Failure to report all instances of deviations for the reporting period of October 01, 2018 through March 31, 2019. (Category B3)

F. Environmental audits:

Notice of Intent Date: 05/05/2016 (1335486)

No DOV Associated

Notice of Intent Date: 03/22/2017 (1402068)

Disclosure Date: 10/10/2018

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 1
OP STC No. 18

Description: Failed to limit PM10 emissions to the limits specified in the permit. Specifically, stack testing was performed on March 27, 2018 on the de-coke pot for Furnaces 10 and 11 (EPN QE1422F) per the request of the manufacturer to verify the de-coke pot met the design parameters. The results received on May 29, 2018 indicated there was a non-compliance with PM10 emissions limits during the stack test.

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

Disclosure Date: 10/19/2017

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(b)(2)
Rqmt Prov: PERMIT Special Conditions No. 16.B.
OP Special Terms and Conditions No. 15

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.726(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
Rqmt Prov: PERMIT Special Conditions No. 16.C.
PERMIT Special Conditions No. 9.E.
OP Special Terms and Conditions No. 15

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 117, SubChapter B 117.345(f)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)
Rqmt Prov: PERMIT Special Conditions No. 5
OP Special Terms and Conditions No. 18

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

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

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(2)
Rqmt Prov: PERMIT Special Conditions No. 13
OP Special Terms and Conditions No. 18

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Special Terms and Conditions No. 15
OP Special Terms and Conditions No. 18

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT Special Conditions No. 11
 OP Special Terms and Conditions No. 15

Description: Failed to monitor steam condensate collected from heat exchanges in HRVOC service prior to entering the Q1 cooling tower basin.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP Special Terms and Conditions No. 13

Description: Failed to calibrate the thermocouple used for monitoring presence of the flare pilot flame on the Q1 Flare (EPN: HSFLARE) since 2002.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP Special Terms and Conditions No. 13

Description: Failed to calibrate the thermocouple used for monitoring presence of the flare pilot flame on the AB3 Flare (EPN: L3FLARE).
 Disclosure Date: 12/21/2017
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 30 TAC Chapter 335, SubChapter R 335.513(a)
 30 TAC Chapter 335, SubChapter C 335.62

Description: Failed to update Waste Analysis Plan and waste stream documentation.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failed to classify waste streams with all applicable waste codes or are not being identified on the facility NOR as required.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)
 30 TAC Chapter 335, SubChapter C 335.67(a)

Description: Failed to correctly complete manifests as specified by the instructions included in 40 CFR 262 Appendix.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.32
 30 TAC Chapter 335, SubChapter C 335.67(a)

Description: Failed to label hazardous waste drums with proper DOT shipping names.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 30 TAC Chapter 335, SubChapter C 335.69(a)(2)
 30 TAC Chapter 335, SubChapter C 335.69(a)(3)

Description: Failed to label hazardous waste drums with the words "hazardous waste" and with accumulation dates.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(b)
 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

Description: Failed to limit storage of hazardous waste to 90 days in Tank V3453F.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)
 30 TAC Chapter 335, SubChapter C 335.69(d)
 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)

Description: Failed to store hazardous waste containers in less than 90-day storage area. Specifically, they are being stored in Satellite Accumulation areas instead and the list of Satellite Accumulation Areas does not identify all current areas being utilized.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(b)

Description: Failed to identify all container storage areas and wastewater treatment units on the facility NOR. In addition, the NOR did not properly identify the classification of units and their regulatory status.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)
 30 TAC Chapter 305, SubChapter A 305.1(a)
 30 TAC Chapter 335, SubChapter A 335.2

Description: Failed to obtain permit authorization for Unit 005 prior to receiving and storing wastes received from offsite at the LyondellBasell AcetIs facility (SWR #30049) in the unit.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.14(c)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.17(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)
Rqmt Prov: PERMIT II.C.2.

Description: Failed to post signs stating "Danger Unauthorized Personnel Keep Out at some points of access to the facility and "No Smoking" at some facility access points where ignitable wastes are being handled.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: Failed to conduct weekly inspections of all hazardous waste container storage areas.

Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(b)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to include some required information (e.g. overfill protection, erosion around secondary containment) in the inspection form.

Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)

Description: Failed to maintain inspection records for three years from the date of inspection.

Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(b)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to inspect ancillary equipment without secondary containment during tank systems inspections.

Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failed to identify current personnel and equipment in the Contingency Plan.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT G 265.117(c)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: Failed to develop and implement procedures to ensure that containers of incompatible wastes are not stored nearby.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to identify precipitation and spills in hazardous waste tank secondary containment on inspection forms and ensure that they are removed within 24 hours.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to provide secondary containment for ancillary equipment consisting of pumps, valves, and non-welded connections on Tank V3453F.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to manage waste piles to ensure the wastes are within the boundary of the waste pile.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1080(b)(7)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1083(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(e)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(j)
30 TAC Chapter 335, SubChapter E 335.112(a)(21)

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

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

Description: Failed to ensure that Land Disposal Restriction notifications are complete, contain correct information, and

identify all hazardous waste codes requiring treatment.

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Part III.B.2

PERMIT Part III.B.5.

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

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

Disclosure Date: 04/27/2018

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

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

Viol. Classification: Moderate

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

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

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

Notice of Intent Date: 12/07/2018 (1537804)

Disclosure Date: 04/29/2019

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT Special Conditions No. 1

OP Special Terms and Conditions No. 18

Description: Failed to accurately calculate dimethyl sulfide loading emissions routed to the Main Flare (QE8050B), resulting in higher SO2 hourly and annual emissions estimates that exceeded the MAERT.

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 AND
LYONDELLBASELL ACETYLS,
LLC
RN100210319**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0238-IWD-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 and LyondellBasell Acetyls, LLC (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a wastewater treatment facility located at 1515 Miller Cut Off Road, approximately one mile north of the intersection of Miller Cut Off Road and State Highway 225 in La Porte, Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondents 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 Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$92,711 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$37,085 of the penalty and \$18,542 of the penalty is deferred contingent upon the Respondents' 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 Respondents fail 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, \$37,084 of the penalty shall be conditionally offset by the Respondents' timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondents' 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 Respondents 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 Respondents have 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 by December 17, 2019, the Respondents emptied and removed the leaking frac tank; removed and disposed of contaminated soil from around the frac tank; utilized a vacuum truck to collect and dispose of the discharge; flushed drainage pipes with clean water, diverted high flow to numerous frac tanks for added storage and offsite disposal, upgraded clarifier equipment including installation of a new feed skid and bulk tank, upgraded metallurgy of the injection quill, and purchased a spare pump and mixer; increased inventory of back-up submersible pumps and pump seals; implemented new guidelines and best management practices; initiated the design phase for total organic carbon analyzer addition; and performed improvement and reliability tests.

II. ALLEGATIONS

During an investigation conducted on November 20, 2019 through November 26, 2019, an investigator documented that the Respondents:

1. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004013000, Permit Conditions No. 2.g. Specifically, heavy rains and large volumes of steam condensate caused the Facility's wastewater ponds to rise which resulted in five unauthorized discharges from the ponds at 1515 Miller Cut Off Road during September

2018, December 2018, May 2019, September 2019, and November 2019, as shown in the table below.

2. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004013000, Permit Conditions No. 2.g. Specifically, improper operation of a frac tank resulted in one unauthorized discharge from the frac tank at 1515 Miller Cut Off Road during October 2018, as shown in the table below.

Date	Amount Discharged (gallons)	Description	Corrective Action
September 14-15, 2018	276,000	Heavy rains caused the wastewater ponds to rise, resulting in the stormwater pond overflowing and flowing to the Harris County ditch and to the ship channel.	High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.
October 23, 2018	5,000	Untreated wastewater was discharged from a frac tank due to a partially open valve. The discharge drained into surface drainage ditches and to the ship channel.	The frac tank was emptied and removed. Soil and gravel around the tank was collected in a roll-off box for landfill disposal. All standing wastewater was picked up by a vacuum truck and disposed of, and drainage pipes were flushed with clean water.
December 8, 2018	613,000	Heavy rains caused the wastewater ponds to rise, leading Operations personnel to pump excess wastewater to a nearby ditch that then flows to the Harris County ditch and to the ship channel.	High flow was diverted to numerous frac tanks for added storage and offsite disposal, clarifier equipment was upgraded, the metallurgy of injection quill, and the level instrumentation in collection sumps, installed a new feed skid and bulk tank, purchased spare pumps and mixers, implemented new guidelines and best management practices, and designed total organic carbon analyzers.
May 10-11, 2019	873,394	Heavy rains caused the wastewater ponds to rise. Operations personnel to pumped excess wastewater to a nearby ditch that flowed to an unnamed ditch and to the San Jacinto Bay.	High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.

<p>September 17-20, 2019</p>	<p>6,927,270</p>	<p>Heavy rains caused the wastewater ponds to rise. Operations personnel pumped excess wastewater to a nearby ditch that flowed to an unnamed ditch and to the San Jacinto Bay.</p>	<p>High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.</p>
<p>November 4-5, 2019</p>	<p>1,210,298</p>	<p>Large volumes of steam condensate drained to the process wastewater sumps causing the wastewater ponds to rise. Operations personnel pumped excess wastewater to a nearby ditch that flowed to an unnamed ditch and to the San Jacinto Bay.</p>	<p>High flow was diverted to numerous frac tanks for added storage and offsite disposal, and clarifier equipment was upgraded. Level instrumentation in the collection sumps was upgraded. A project to install total organic carbon analyzers was designed, and new guidelines and best management practices were implemented.</p>

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' 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 and LyondellBasell Acetyls, LLC, Docket No. 2021-0238-IWD-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 Respondents are jointly and severally liable for the violations documented in this Order and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.

3. The Respondents shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$37,084 of the assessed penalty is conditionally offset based on the Respondents' 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 of the Executive Director demands payment.
4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive 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 Respondents 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.

Equistar Chemicals, LP and LyondellBasell Acetyls, LLC

DOCKET NO. 2021-0238-IWD-E

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

4/11/2022

Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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

DocuSigned by:


Signature

03/07/2022

Date

Stephen G. Goff
Name (Printed or typed)
Authorized Representative of
Equistar Chemicals, LP

Site Manager

Title

DocuSigned by:


Signature

03/07/2022

Date

Stephen G. Goff
Name (Printed or typed)
Authorized Representative of
LyondellBasell Acetyls, LLC

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: 2021-0238-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
Payable Penalty Amount:	\$74,169
SEP Offset Amount:	\$37,084
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	City of Morgan’s Point
Project Name:	<i>Colonel James Morgan New Washington Prairie</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 offset is equal to the SEP Offset Amount set forth above and 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, **City of Morgan’s Point**, for the *Colonel James Morgan New Washington Prairie* project (the “Project”). The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to preserve in perpetuity 52 acres of land within the City of Morgan’s Point in Harris County. Sixteen acres shall be preserved as palustrine emergent and palustrine forested wetlands. Thirty-six acres shall be maintained by the Third-Party Administrator as open space for public use.

The Third-Party Administrator shall use SEP Funds to restore the 36 acres of the property to its original native Texas Coastal Prairie grasslands. The Third-Party Administrator shall clear and eradicate the existing non-native grasses and trees and reestablish native prairie grasses and shrubs.

The Third-Party Administrator shall use SEP Funds to mitigate stormwater runoff from the 36 acres of the property through construction of one storm water management pond. The stormwater management pond will collect and train the property's stormwater runoff and prevent offsite discharge. The SEP will be done 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 the Respondent 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 from this SEP.

b. Environmental Benefit

Permanently preserving 36 acres of the property as open space will prevent future development and maintain a natural barrier between residential communities and the industrial Barbours Cut Shipping Terminal. Restoring the 36 acres back to its natural Texas Coastal Prairie grasslands will enhance the quality of the Property's natural resources and wildlife. The restored natural prairie will provide habitats for a wide range of animals including the Monarch butterfly which has a significant population in the area during its migration to Mexico. Further, the stormwater management pond will mitigate the offsite discharge of runoff which will reduce the amount of pollutants reaching the surrounding environment.

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 check payable to **City of Morgan's Point SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Morgan's Point
Attention: City Administrator
510 Bayridge Road
Morgan's Point, Texas 77571

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount 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 and/or project, 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.