

Executive Summary – Enforcement Matter – Case No. 60655
Equistar Chemicals, LP
RN100216761
Docket No. 2021-0554-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

LyondellBasell Bayport Polymers, 12001 Bay Area Boulevard, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2021-1231-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 15, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,812

Amount Deferred for Expedited Settlement: \$4,762

Total Paid to General Revenue: \$9,525

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$9,525

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 10, 2020 through February 24, 2021

Date(s) of NOE(s): March 26, 2021

Executive Summary – Enforcement Matter – Case No. 60655
Equistar Chemicals, LP
RN100216761
Docket No. 2021-0554-AIR-E

Violation Information

1. Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, the Respondent operated a stationary internal combustion engine from October 1, 2019 through May 29, 2020 without obtaining the proper authorization [30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), Federal Operating Permit ("FOP") No. O1419, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

2. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, during a stack test completed on July 31, 2020, the Respondent emitted 0.37 pound per hour of particulate matter ("PM") from the E-Line Extruder ("ELX") Pellet Silos but the Respondent did not represent the ELX Pellet Silos as an emissions point and any associated emissions from the ELX Pellet Silos in the permit application for New Source Review ("NSR") Permit Nos. 9423 and N202, resulting in approximately 2,211.12 pounds of unauthorized PM emissions [30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), FOP No. O1419, GTC and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Claiming the authorization for the operation of the stationary internal combustion engine and the associated emissions by January 31, 2020; and
- b. Removing the stationary internal combustion engine on May 29, 2020.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, submit an administratively complete amendment application for NSR Permit Nos. 9423 and N202 to authorize the ELX Pellet Silos as an emissions point and the associated PM emissions from the ELX Pellet Silos;
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 60655
Equistar Chemicals, LP
RN100216761
Docket No. 2021-0554-AIR-E**

c. Within 180 days, submit written certification that either the amendment for NSR Permit Nos. 9423 and N202 has been obtained or that operations have ceased until such time that the appropriate authorization is obtained to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: Shawn Cullen, Site Manager, Equistar Chemicals, LP, 12001 Bay Area Boulevard, Pasadena, Texas 77507-1309

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	30-Mar-2021	Screening	6-Apr-2021	EPA Due	
	PCW	3-May-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Equistar Chemicals, LP
Reg. Ent. Ref. No.	RN100216761
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60655	No. of Violations	2
Docket No.	2021-0554-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	37.0% Adjustment	Subtotals 2, 3, & 7	\$6,937
---------------------------	------------------	--------------------------------	---------

Notes: Enhancement for two NOVs with same or similar violations and two orders containing 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
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
--	-------------------	----------

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

Total EB Amounts: \$774
 Estimated Cost of Compliance: \$7,400
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,812
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$23,812
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,812
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$4,762
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$19,050
------------------------	----------

Screening Date 6-Apr-2021

Docket No. 2021-0554-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 4 (April 2014)

Case ID No. 60655

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100216761

Media Air

Enf. Coordinator Mackenzie Mehlmann

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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) 37%

>> 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 same or similar violations and two orders containing 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) 37%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 37%

Screening Date 6-Apr-2021 **Docket No.** 2021-0554-AIR-E **PCW**
Respondent Equistar Chemicals, LP *Policy Revision 4 (April 2014)*
Case ID No. 60655 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100216761
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.110(a) and 122.143(4), Federal Operating Permit No. O1419, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)
Violation Description Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, the Respondent operated a stationary internal combustion engine from October 1, 2019 through May 29, 2020 without obtaining the proper authorization.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			15.0%
100% of the rule requirements were not met.					
Adjustment					\$21,250
					\$3,750

Violation Events

Number of Violation Events: 2 122 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended from the October 1, 2019 non-compliance date to the January 31, 2020 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on January 31, 2020, prior to the Notice of Enforcement dated March 26, 2021.	
Violation Subtotal		
\$5,625		

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

Estimated EB Amount \$65 **Violation Final Penalty Total** \$8,400
This violation Final Assessed Penalty (adjusted for limits) \$8,400

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 60655
Reg. Ent. Reference No. RN100216761
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$900	1-Oct-2019	31-Jan-2020	0.33	\$15	n/a	\$15
Other (as needed)	\$1,500	1-Oct-2019	29-May-2020	0.66	\$50	n/a	\$50

Notes for DELAYED costs

Estimated costs to claim the authorization for the operation of the stationary internal combustion engine and the associated emissions under 30 Tex. Admin. Code § 106.512, relating to the stationary engines and turbines, (\$900) and to remove the stationary internal combustion engine from the Plant (\$1,500). The Dates Required is the first date of non-compliance and the Final Dates are the date the authorization was claimed and the date the stationary internal combustion engine was removed from the Plant.

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

\$2,400

TOTAL

\$65

Screening Date 6-Apr-2021
Respondent Equistar Chemicals, LP
Case ID No. 60655
Reg. Ent. Reference No. RN100216761
Media Air
Enf. Coordinator Mackenzie Mehlmann

Docket No. 2021-0554-AIR-E

PCW

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

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.116(a)(1) and 122.143(4), FOP No. O1419, GTC and Special Terms and Conditions No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, during a stack test completed on July 31, 2020, the Respondent emitted 0.37 pound per hour of particulate matter ("PM") from the E-Line Extruder ("ELX") Pellet Silos but the Respondent did not represent the ELX Pellet Silos as an emissions point and any associated emissions from the ELX Pellet Silos in the permit application for New Source Review ("NSR") Permit Nos. 9423 and N202, resulting in approximately 2,211.12 pounds of unauthorized PM emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 249 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended from the July 31, 2020 stack test date to the April 6, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$709

Violation Final Penalty Total \$15,413

This violation Final Assessed Penalty (adjusted for limits) \$15,413

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 60655
Reg. Ent. Reference No. RN100216761
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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	\$5,000	31-Jul-2020	1-Jun-2023	2.84	\$709	n/a	\$709
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to obtain an amendment for NSR Permit Nos. 9423 and N202 to authorize the ELX Pellet Silos as an emissions point and the associated PM emissions from the ELX Pellet Silos. The Date Required is the initial date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$709



Compliance History Report

Compliance History Report for CN600124705, RN100216761, 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:	RN100216761, LyondellBasell Bayport Polymers	Classification:	SATISFACTORY	Rating:	7.84
Complexity Points:	17	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	12001 Bay Area Boulevard, Pasadena, Harris County, Texas				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0323M
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011568

AIR OPERATING PERMITS PERMIT 1419
AIR NEW SOURCE PERMITS PERMIT 9423

AIR NEW SOURCE PERMITS PERMIT 19546
AIR NEW SOURCE PERMITS REGISTRATION 146105
AIR NEW SOURCE PERMITS REGISTRATION 140045
AIR NEW SOURCE PERMITS EPA PERMIT N202
AIR NEW SOURCE PERMITS REGISTRATION 163793
AIR NEW SOURCE PERMITS REGISTRATION 163792
AIR NEW SOURCE PERMITS REGISTRATION 151231
AIR NEW SOURCE PERMITS REGISTRATION 157033
AIR NEW SOURCE PERMITS REGISTRATION 160781

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0323M
AIR NEW SOURCE PERMITS AFS NUM 4820100291
AIR NEW SOURCE PERMITS REGISTRATION 110593
AIR NEW SOURCE PERMITS REGISTRATION 153788
AIR NEW SOURCE PERMITS REGISTRATION 164647
AIR NEW SOURCE PERMITS PERMIT AMOC6
AIR NEW SOURCE PERMITS REGISTRATION 158274
AIR NEW SOURCE PERMITS REGISTRATION 156193
AIR NEW SOURCE PERMITS REGISTRATION 162884

STORMWATER PERMIT TXR05Z332

STORMWATER PERMIT TXR15446Q

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0323M

POLLUTION PREVENTION PLANNING ID NUMBER P00307

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD077424885

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30422

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

Date Compliance History Report Prepared: June 18, 2021

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Mackenzie Mehlmann

Phone: (512) 239-2572

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: 07/06/2020 ADMINORDER 2019-1072-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: GTC and STC 15 OP
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. (Category A.12.i.6)

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: GTC and STC 15 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Major

Citation: 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
STC 15 OP
STC 1A PERMIT
STC 20 PERMIT

Description: Failure to prevent a MAERT exceedance for NOx and CO for (EPN:30 and 34). (Category A8 HPV Criterion 2)

2 Effective Date: 08/18/2020 ADMINORDER 2020-0058-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: GTC & STC No. 15 OP
Special Condition 1 PERMIT
Special Conditon 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 295.22 lbs of carbon monoxide, 71.24 lbs of nitrogen dioxide, and 516.15 lbs of volatile organic compounds from the Elevated Flare, Emissions Point Number ("EPN") 34, during an emissions event (Incident No. 264622) that occurred on August 2, 2017 and lasted one hour and nine minutes. The emissions event occurred due to a level valve being closed too far on the second reactor while trying to stabilize th

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 18, 2016	(1330802)
Item 2	September 09, 2016	(1349152)
Item 3	November 21, 2016	(1363930)
Item 4	April 11, 2017	(1401674)
Item 5	January 31, 2018	(1447727)
Item 6	December 17, 2018	(1531147)
Item 7	August 21, 2020	(1633870)
Item 8	October 05, 2020	(1679166)
Item 9	October 23, 2020	(1679274)
Item 10	November 02, 2020	(1684847)

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: 08/21/2020 (1617657)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition (SC) 5D PERMIT
Special Terms & Conditions (ST&C) 1A OP

Description: Special Terms & Conditions (ST&C) 20 OP
 Failure to maintain 5% downtime limit of HRVOC monitoring systems for Flares [EPNs: 30 & 34] (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 (GT&C) OP

Description: Failure to report all instances of deviations for the July 16, 2017 through January 15, 2018 Reporting Period (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 (GT&C) OP

Description: Failure to report all instances of deviations for the January 16, 2018 through June 30, 2018 Reporting Period (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 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 VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Conditions (SC) 29 PERMIT
 Special Terms & Conditions (ST&C) 1A OP
 Special Terms & Conditions (ST&C) 20 OP

Description: Failure to prevent Open Ended Lines (OELs) in VOC service (Category C10).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.116(a)
 5C THSC Chapter 382 382.085(b)

Description: Failure to include all vent scenarios in permit for Catalloy Flare [EPN: 81] (Category C3)

2

Date: 03/26/2021 (1692005)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(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)
 STC 1A OP
 STC 30 OP

Description: Failure to monitor a leaking valve after repair was attempted (EPN:52). (Category B18 (g)(1))

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)
 SC 18 A PERMIT
 STC 20 OP

Description: Failure to collect 3 samples a month for VOC headspace analysis following the startup of the Catalloy Unit. (Category B18 (g)(1))

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 SC 6 B PERMIT
 STC 1 OP
 STC 18 OP

Description: Failure to record thermocouple data (EPN: 34). (Category C1)

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)
 SC 1 OP
 SC 11 PERMIT
 SC 13 PERMIT
 STC 30 OP

Description: Failure to prevent visible emissions (EPN: 52). (Category C1)

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)
SC 24 F PERMIT
STC 1 OP
STC 18 OP

Description: Failure to remonitor tagged components (EPN: GRPHPPFUG41). (Category C7)
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)
SC 15 E PERMIT
STC 1 OP
STC 18 OP

Description: Failure to prevent an Open-Ended Line (OEL) (EPN: 52). (Category C10)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
STC 1 OP

Description: Failure to report all instances of deviations. (Category B18 (g)(1))
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)
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)
SC 24 G PERMIT
STC 1 OP

Description: Failure to conduct a repair on a flange during a unit shut down for a component listed on delay of repair (EPN: 41). (Category B18 (g)(1))

F. Environmental audits:

Notice of Intent Date: 11/06/2015 (1289730)

Disclosure Date: 08/08/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to include the detailed applicable requirements in the Title V permit. Specifically, the specific regulatory citations in each applicable requirement or state-only requirement identifying the emission limitations and standards and the monitoring, recordkeeping, reporting, and testing requirements associated with the emission limitations and standards identified under clause (1) of the subparagraph sufficient to ensure compliance with the permit were not included.

Viol. Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2445

Description: Failed to identify sources subject to MON requirements after becoming a major source of HAPs on June 8, 2015.

Viol. Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)

Description: Failed to determine the applicability of MACT ZZZZ to the engines after becoming a major source of HAPs.

Viol. Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)

Description: Failed to complete applicability analysis for the storage vessels, vent gas controls, industrial wastewater, and the loading and unloading of VOCs to determine the potential overlaps and impacts between 30 TAC Chapter 115 and 40 CFR Part 63 Subpart FFFF since becoming a major source of HAPs.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 115, SubChapter H 115.766(a)(2)

Description: Failed to perform required semiannual calibrations of the air and water rotameters on the sparging system for the Cooling Tower HRVOC monitoring system. As a result, insufficient records have been maintained for HRVOC cooling tower equipment calibrations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)
30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to properly authorize and report VOC emissions from wastewater generated by the Catalloy Polyolefins Unit.

Notice of Intent Date: 06/30/2016 (1345162)

Disclosure Date: 08/08/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)

30 TAC Chapter 115, SubChapter H 115.766(a)(2)

Description: Failed to perform required semiannual calibrations of the air and water rotameters on sparging system for the Cooling Tower HRVOC monitoring system. As a result, insufficient records have been maintained for HRVOC cooling tower equipment calibrations.

Disclosure Date: 01/06/2017

Viol. Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)

30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to properly authorize and report VOC emissions from wastewater generated by the Polypropylene Production Units.

Notice of Intent Date: 01/17/2017 (1389420)

Disclosure Date: 07/13/2017

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 16.A.

PERMIT Special Conditions No. 16.B.

PERMIT Special Conditions No. 17

PERMIT Special Conditions No. 17.A.

PERMIT Special Conditions No. 17.B.

PERMIT Special Conditions No. 18

PERMIT Special Conditions No. 19

PERMIT Special Conditions No. 20

PERMIT Special Conditions No. 21

PERMIT Special Conditions No. 4.C.

PERMIT Special Conditions No. 9

Description: Failed to maintain records to demonstrate compliance with permit conditions. Specifically, the site has been tracking operating parameters for each emission point at the site, but the frequency and averaging periods for each emission source was not performed.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

30 TAC Chapter 116, SubChapter B 116.110

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to limit emissions from the Catalloy dryer scrubber to the amounts listed in the MAERT.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to report all instances of deviations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)

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

30 TAC Chapter 115, SubChapter H 115.766(a)(3)

30 TAC Chapter 115, SubChapter H 115.766(a)(4)

30 TAC Chapter 115, SubChapter H 115.766(i)

Description: Failed to accurately calculate emissions from five cooling towers. Specifically, emissions were calculated using the El Paso Systems, but the cooling towers were equipped with sparger systems, resulting in incorrect cooling tower emissions monitoring data. Also, failed to accurately calculate the net heating value of the gases combusted in the flare to determine compliance with 30 TAC § 115.725(d)(2). Specifically, standard conditions of 60 F were used instead of 68 F.

Viol. Classification: Moderate

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

Description: Failed to include emissions from the vents from process analyzers, some mineral oil tanks, bag filters, a storage silo set, and visbreaking activities in the Bulk Plant and Catalloy Units in the permit application.

Viol. Classification: Moderate

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

Description: Failed to note changes to monitoring information in the LDAR database.

Viol. Classification: Moderate

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

Description: Failed to maintain extraordinary effort documentation for HRVOC components in Delay of Repair.

Notice of Intent Date: 12/18/2018 (1537936)

No DOV Associated

Notice of Intent Date: 10/02/2019 (1603609)

Disclosure Date: 09/02/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)

Rqmt Prov: PERMIT Special Conditions No. 17.B

PERMIT Special Conditions No. 17.C

Description: Failed to continuously monitor and record the flow rate for the Catalloy MP3 Cooling Tower (EPN CT-8632).

Notice of Intent Date: 01/27/2021 (1703549)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100216761

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0554-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 12001 Bay Area Boulevard in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$23,812 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,525 of the penalty and \$4,762 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$9,525 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By claiming the authorization for the operation of the stationary internal combustion engine and the associated emissions under 30 TEX. ADMIN. CODE § 106.512, relating to stationary engines and turbines, by January 31, 2020; and
 - b. By removing the stationary internal combustion engine on May 29, 2020.

II. ALLEGATIONS

During a record review conducted from December 10, 2020 through February 24, 2021, an investigator documented that the Respondent:

1. Failed to obtain authorization prior to constructing or modifying a source of air contaminants, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), Federal Operating Permit ("FOP") No. O1419, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, the Respondent operated a stationary internal combustion engine from October 1, 2019 through May 29, 2020 without obtaining the proper authorization.
2. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application, in violation of 30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), FOP No. O1419, GTC and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test completed on July 31, 2020, the Respondent emitted 0.37 pound per hour of particulate matter ("PM") from the E-Line Extruder ("ELX") Pellet Silos but the Respondent did not represent the ELX Pellet Silos as an emissions point and any associated emissions from the ELX Pellet Silos in the permit application for New Source Review ("NSR") Permit Nos.

9423 and N202, resulting in approximately 2,211.12 pounds of unauthorized PM emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2021-0554-AIR-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$9,525 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, submit an administratively complete amendment application for NSR Permit Nos. 9423 and N202 to authorize the ELX Pellet Silos as an emissions point and the associated PM emissions from the ELX Pellet Silos, in accordance with 30 TEX. ADMIN. CODE ch. 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application by any deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a, as described in Ordering Provision No. 3.d.

- d. Within 180 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit Nos. 9423 and N202 has been obtained or that operations have ceased until such time that the appropriate authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination

of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



Date

8/31/2022

For the Executive Director

Date

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

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

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

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

Signature

SHAWN CULLEN

Date

6/3/22

Name (Printed or typed)

Authorized Representative of
Equistar Chemicals, LP

Title

SITE MANAGER

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: 2021-0554-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	\$19,050
SEP Offset Amount:	\$9,525
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

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

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

Equistar Chemicals, LP
Docket No. 2021-0554-AIR-E
Agreed Order - Attachment A

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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.