

Executive Summary – Enforcement Matter – Case No. 65237
Equistar Chemicals, LP
RN100221662
Docket No. 2024-0059-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 17, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,125

Amount Deferred for Expedited Settlement: \$2,625

Total Paid to General Revenue: \$5,250

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,250

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 4, 2023

Date(s) of NOE(s): January 3, 2024

Executive Summary – Enforcement Matter – Case No. 65237
Equistar Chemicals, LP
RN100221662
Docket No. 2024-0059-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 930.40 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 395383) that occurred on February 13, 2023 and lasted one hour and 45 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18358 and PSDTX732M1, Special Conditions No. 1, Federal Operating Permit No. O1486, General Terms and Conditions and Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By April 13, 2023, the Respondent removed the air-cooled exchanger from service and had a third-party inspection company conduct a flux leakage test in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 395383.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Matthew Perez, Enforcement Division, Enforcement Team 2, MC R-08, (325) 659-6707; 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: Texas PTA, 408 West 11th Street, Austin, Texas 78701

Respondent: Michael Middleton, Site Manager, Equistar Chemicals, LP, 1501 McKinzie Road, Corpus Christi, Texas 78410

Alicia Matus, Site Manager, Equistar Chemicals, LP, 1501 McKinzie Road, Corpus Christi, Texas 78410

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Jan-2024			
	PCW	15-Apr-2024	Screening	9-Jan-2024	EPA Due

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

CASE INFORMATION					
Enf./Case ID No.	65237	No. of Violations	1		
Docket No.	2024-0059-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Matthew Perez		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$7,500
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Notes	Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and five orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violation
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$81	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,125
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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	\$13,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,125
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,500
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Screening Date

9-Jan-2024

Docket No.

2024-0059-AIR-E

PCW

Respondent

Equistar Chemicals, LP

Case ID No.

65237

Reg. Ent. Reference No.

RN100221662

Media

Air

Enf. Coordinator

Matthew Perez

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet			
>> Compliance History Site Enhancement (Subtotal 2)			
Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
Adjustment Percentage (Subtotal 2)			102%
>> Repeat Violator (Subtotal 3)			
No			Adjustment Percentage (Subtotal 3) 0%
>> Compliance History Person Classification (Subtotal 7)			
Satisfactory Performer			Adjustment Percentage (Subtotal 7) 0%
>> Compliance History Summary			
Compliance History Notes	Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and five orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violation		
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)			102%
>> Final Compliance History Adjustment			
Final Adjustment Percentage *capped at 100%			100%

Screening Date

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

9-Jan-2024

Equistar Chemicals, LP

65237

RN100221662

Air

Matthew Perez

Docket No.

2024-0059-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18358 and PSDTX732M1, Special Conditions No. 1, Federal Operating Permit No. O1486, General Terms and Conditions and Special Terms and Conditions No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 930.40 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 395383) that occurred on February 13, 2023 and lasted one hour and 45 minutes.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

30.0%

>>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 did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

\$17,500

\$7,500

Violation Events

Number of Violation Events

1

Number of violation days

1

daily

weekly

monthly

x

quarterly

semiannual

annual

single event

Violation Base Penalty

\$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction

\$1,875

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

x

N/A

Notes

The Respondent completed the corrective measures by April 13, 2023, before the Notice of Enforcement dated January 3, 2024.

Violation Subtotal

\$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$81

Violation Final Penalty Total

\$13,125

This violation Final Assessed Penalty (adjusted for limits)

\$13,125

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 65237
Reg. Ent. Reference No. RN100221662
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	13-Feb-2023	13-Apr-2023	0.16	\$81	n/a	\$81
Notes for DELAYED costs	Estimated cost to remove the air-cooled exchanger from service and have a third-party inspection company conduct a flux leakage test in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 395383. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$10,000	TOTAL	\$81
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Compliance History Report

Compliance History Report for CN600124705, RN100221662, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600124705, Equistar Chemicals, LP	Classification:	SATISFACTORY	Rating:	7.79
Regulated Entity:	RN100221662, EQUISTAR CHEMICALS	Classification:	SATISFACTORY	Rating:	12.46
Complexity Points:	27	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	1501 MCKINZIE RD CORPUS CHRISTI, TX 78410-9706, NUECES COUNTY				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NE0051B
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1780061
AIR NEW SOURCE PERMITS REGISTRATION 10664A
AIR NEW SOURCE PERMITS REGISTRATION 26401

AIR NEW SOURCE PERMITS REGISTRATION 51781
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761
AIR NEW SOURCE PERMITS REGISTRATION 78877
AIR NEW SOURCE PERMITS PERMIT 83864
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732M2
AIR NEW SOURCE PERMITS REGISTRATION 85148
AIR NEW SOURCE PERMITS REGISTRATION 95855
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M3
AIR NEW SOURCE PERMITS REGISTRATION 118685
AIR NEW SOURCE PERMITS REGISTRATION 109133

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M4
UNDERGROUND INJECTION CONTROL PERMIT WDW152
STORMWATER PERMIT TXR05L891
WASTEWATER EPA ID TX0076996
AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE0051B
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000836445
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41677
TAX RELIEF ID NUMBER 23282
TAX RELIEF ID NUMBER 23181
TAX RELIEF ID NUMBER 23281
TAX RELIEF ID NUMBER 23284

AIR OPERATING PERMITS PERMIT 1486
AIR NEW SOURCE PERMITS PERMIT 4682B

AIR NEW SOURCE PERMITS PERMIT 18358
AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0051B
AIR NEW SOURCE PERMITS AFS NUM 4835500089
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732
AIR NEW SOURCE PERMITS REGISTRATION 84759
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1120
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX732M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX761M2
AIR NEW SOURCE PERMITS REGISTRATION 101862
AIR NEW SOURCE PERMITS REGISTRATION 136589
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX32
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX32M1
AIR NEW SOURCE PERMITS REGISTRATION 155067
UNDERGROUND INJECTION CONTROL PERMIT WDW153
WASTEWATER PERMIT WQ0002075000
WASTEWATER PERMIT TXG670449
POLLUTION PREVENTION PLANNING ID NUMBER P00500
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31685
TAX RELIEF ID NUMBER 23182

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

Compliance History Period:	September 01, 2018 to August 31, 2023 09/01/2023	Rating Year:	2023	Rating Date:	
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Date Compliance History Report Prepared: January 08, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 08, 2019 to January 08, 2024

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

Name: Matthew Perez

Phone: (325) 659-6707

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

- 2 Effective Date: 07/06/2020 ADMINORDER 2019-1491-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PSDTX761M3, SC No. 2 PERMIT
STC No. 17 OP
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PSDTX761M3, SC No. 2 PERMIT
STC No. 17 OP
Description: Failed to prevent unauthorized emissions.

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

- 4 Effective Date: 08/22/2023 ADMINORDER 2020-0911-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
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 2 PERMIT
 STC 17 OP
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on June 29, 2017, TCEQ/STEERS Incident No. 262151.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: NSR4682B/PSDTX761M3 SC 2 PERMIT
 STC 17 OP
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 25, 2018, TCEQ/STEERS Incident No. 277253. Specifically, the Respondent released 38,583.40 lbs of CO, 7,173.90 lbs of NOx, and 29,317.00 lbs of VOC from the Cold Flare, EPN No. 11, during an emissions event (Incident No. 277253) that began on January 25, 2018 and lasted 55 hours and two minutes.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 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: O1486, GTC and STC No. 17 OP
 NSR 4682B/PSDTX761M4, SC2 PERMIT
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that occurred on July 5, 2017 through July 8, 2017; Incident No. 262396 and failure to prevent visible emissions with opacity greater than a limit of 20 percent (%) averaged over a six-minute period.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: GC 14 PERMIT
 GC 8 PERMIT
 STC 17 OP
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 30, 2018, Incident No. 277634. Specifically, the Respondent released 20,681.90 lbs of CO, 3,846.78 lbs of NOx, and 15,231.80 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 277634) that began on January 30, 2018 and lasted 27 hours and 30 minutes.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition (2) PERMIT
 Special Term and Condition No. 17 PERMIT
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 13, 2018, Incident No. 297224. Specifically, the Respondent released 23,041.58 lbs of CO, 4,350.81 lbs of NOx, and 13,042.56 lbs of VOC from the Cold Flare, EPN 11, during an emissions event (Incident No. 297224) that began on November 13, 2018 and lasted 50 hours and 30 minutes.

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	January 16, 2019	(1531352)
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Item 2	January 22, 2019	(1539138)
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Item 3	January 24, 2019	(1539132)
Item 4	February 06, 2019	(1562743)
Item 5	February 22, 2019	(1549266)
Item 6	April 15, 2019	(1572838)
Item 7	May 06, 2019	(1585285)
Item 8	June 07, 2019	(1585286)
Item 9	July 03, 2019	(1594205)
Item 10	August 06, 2019	(1600497)
Item 11	September 06, 2019	(1607400)
Item 12	October 07, 2019	(1614279)
Item 13	October 16, 2019	(1597040)
Item 14	October 23, 2019	(1604183)
Item 15	November 13, 2019	(1609681)
Item 16	November 20, 2019	(1620071)
Item 17	December 09, 2019	(1627418)
Item 18	January 10, 2020	(1618207)
Item 19	January 17, 2020	(1635051)
Item 20	February 14, 2020	(1630454)
Item 21	February 23, 2020	(1631214)
Item 22	March 05, 2020	(1648179)
Item 23	March 25, 2020	(1637848)
Item 24	April 07, 2020	(1654527)
Item 25	May 05, 2020	(1638939)
Item 26	May 11, 2020	(1661097)
Item 27	May 14, 2020	(1645261)
Item 28	June 04, 2020	(1667627)
Item 29	June 09, 2020	(1652869)
Item 30	June 30, 2020	(1652795)
Item 31	July 09, 2020	(1674575)
Item 32	August 04, 2020	(1665916)
Item 33	August 10, 2020	(1681347)
Item 34	September 09, 2020	(1687923)
Item 35	October 08, 2020	(1694271)
Item 37	October 16, 2020	(1678694)
Item 38	November 05, 2020	(1715444)
Item 39	November 24, 2020	(1691815)
Item 40	December 04, 2020	(1715445)
Item 41	December 11, 2020	(1690467)
Item 42	January 12, 2021	(1715446)
Item 43	February 02, 2021	(1728516)
Item 44	February 25, 2021	(1703120)
Item 45	March 03, 2021	(1728517)
Item 46	April 06, 2021	(1707494)
Item 47	April 15, 2021	(1728518)
Item 48	May 13, 2021	(1703994)
Item 49	June 08, 2021	(1741549)
Item 51	July 02, 2021	(1752697)
Item 52	August 05, 2021	(1758110)
Item 53	August 16, 2021	(1724022)
Item 54	September 08, 2021	(1767365)
Item 55	October 07, 2021	(1764565)
Item 56	October 11, 2021	(1777824)
Item 57	November 04, 2021	(1771749)
Item 58	December 07, 2021	(1791653)
Item 59	January 19, 2022	(1799495)
Item 60	January 21, 2022	(1783469)
Item 61	February 08, 2022	(1774782)

Item 62	February 09, 2022	(1807327)
Item 63	March 03, 2022	(1795205)

Item 64	March 10, 2022	(1814379)
Item 65	April 13, 2022	(1820949)
Item 66	April 26, 2022	(1810539)
Item 67	May 04, 2022	(1829782)
Item 68	June 16, 2022	(1836082)
Item 69	August 18, 2022	(1849448)
Item 70	October 05, 2022	(1863570)
Item 71	November 03, 2022	(1870480)
Item 72	November 04, 2022	(1854551)
Item 73	December 20, 2022	(1861707)
Item 74	February 08, 2023	(1890959)
Item 75	February 14, 2023	(1875126)
Item 76	February 26, 2023	(1880017)
Item 77	March 09, 2023	(1899531)
Item 78	April 12, 2023	(1906334)
Item 79	April 14, 2023	(1879242)
Item 80	April 19, 2023	(1874649)
Item 81	May 10, 2023	(1913489)
Item 82	May 15, 2023	(1860476)
Item 83	June 06, 2023	(1920097)
Item 84	June 23, 2023	(1902522)
Item 85	July 20, 2023	(1927064)
Item 86	August 17, 2023	(1934028)
Item 87	September 20, 2023	(1940167)
Item 88	October 06, 2023	(1931414)
Item 89	October 11, 2023	(1947005)
Item 90	November 09, 2023	(1936805)

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 | <p>Date: 02/28/2023 (1873150)</p> <p>Self Report? NO Classification: Minor</p> <p>Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)</p> <p>Description: Failed to use an approved backflow prevention test report.</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)</p> <p>Description: Failed to certify that all backflow prevention assemblies installed to provide protection against health hazards are operating within specifications.</p> |
| 2 | <p>Date: 07/28/2023 (1910619)</p> <p>Self Report? NO Classification: Moderate</p> <p>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 No. 22.E PERMIT
STC No. 11 PERMIT</p> <p>Description: Failure to maintain the flare at the minimum net heating value in the combustion zone (NHVcz) greater than or equal to 270 British Thermal Units per Standard Cubic Foot (BTU/SCF).</p> |

F. Environmental audits:

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

Disclosure Date: 03/14/2019

Viol. Minor

Classification:

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

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

Viol. Minor

Classification:

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

Rqmt Prov: OP Special Terms and Conditions No. 16

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

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(q)(3)

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

Viol. Minor

Classification:

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

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

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

Viol. Minor

Classification:

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

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

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

No DOV Associated

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

No DOV Associated

Notice of Intent Date: 07/20/2023 (1916649)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: **EQUISTAR CHEMICALS**

Reg Entity Add: 1501 MCKINZIE RD

Reg Entity City: CORPUS CHRISTI

Reg Entity No: **RN100221662**

EPA Case No: **07-2022-3395**

Order Issue Date (yyyymmdd): 20211013

Case Result:

Statute: CAA

Sect of Statute: 110

Classification: Major

Program: Federal Implementation

Citation:

Violation Type: National Emission Standard
For Hazardous Air Pollutant

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0059-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 1501 McKinzie Road in Corpus Christi, Nueces County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,250 of the penalty and \$2,625 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$5,250 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 by April 13, 2023, the Respondent removed the air-cooled exchanger from service and had a third-party inspection company conduct a flux leakage test in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 395383.

II. ALLEGATIONS

During a record review for the Plant conducted on December 4, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18358 and PSDTX732M1, Special Conditions No. 1, Federal Operating Permit No. O1486, General Terms and Conditions and Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 930.40 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 395383) that occurred on February 13, 2023 and lasted one hour and 45 minutes.

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. 2024-0059-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$5,250 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/28/2024

Date

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

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

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

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



Signature

4/30/24

Date

Alicia Matus

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

Site Manager

Title

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

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

Attachment A
Docket Number: 2024-0059-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Payable Penalty Amount:	\$10,500
SEP Offset Amount:	\$5,250
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Congress of Parents and Teachers dba Texas PTA
Project Name:	<i>Texas PTA Clean School Bus Replacement Program</i>
Location of SEP:	Texas Air Quality Control Region 214: Corpus Christi Victoria - Preference for Nueces 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 **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. 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 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 directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases,

including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA
408 West 11th Street
Austin, Texas 78701

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Equistar Chemicals, LP
Docket No. 2024-0059-AIR-E
Agreed Order - Attachment A

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.