



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 05 2006

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Steele, Environmental Superintendent
Equistar Chemicals, LP
8805 N Tabler Road
Morris, Illinois 60450

Re Finding of Violation
Equistar Chemicals, LP
Morris, Illinois

Dear Mr Steele

The United States Environmental Protection Agency (U S EPA) is issuing the enclosed Finding of Violation (FOV) to Equistar Chemicals, LP (you) We find that you have violated Section 111(e) of the Clean Air Act (the Act), 42 U S C § 7411(e), at your Morris, Illinois facility

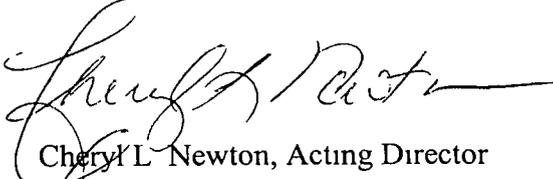
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U S C § 7413(a)(3) These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV

We are offering you an opportunity to confer with us about the violations alleged in the FOV The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments You may have an attorney represent you at this conference

The U S EPA contact in this matter is Brent Marable You may call him at (312) 886-6812 to request a conference You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter We should hold any conference within 30 calendar days of your receipt of this letter

Sincerely yours,



Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc Julie Armitage, Acting Manager
Compliance and Enforcement Section, Bureau of Air
Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF)
)
Equistar Chemicals, LP) FINDING OF VIOLATION
Morris, Illinois)
) EPA-5-06-IL-019
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U S C §§ 7401 et seq)
)

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Equistar Chemicals, LP (Equistar) is violating Section 111(e) of the Clean Air Act, 42 U S C § 7411(e) Specifically, Equistar is violating the Standards of Performance (NSPS) General Provisions at 40 C F R Part 60, subpart A as follows

Statutory and Regulatory Authority

- 1 Section 111(e) of the Act, 42 U S C § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of a NSPS after the effective date of the applicable NSPS to such source
- 2 The NSPS for volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations at 40 C F R Part 60, Subpart NNN, applies to the following affected facility, which commenced construction, modification, or reconstruction after December 30, 1983 each combination of two or more distillation units and the common recovery system into which their vent streams are discharged 40 C F R § 60 660(b)(3)
- 3 40 C F R § 60 2 defines “construction,” as the fabrication, erection or installation of an affected facility
- 4 40 C F R § 60 662(b) requires each owner or operator of an affected facility to combust the emissions in a flare that meets the requirements of 40 C F R § 60 18
- 5 40 C F R § 60 18(a) contains requirements for control devices used to comply with applicable subparts of parts 60 and 61

- 6 40 C F R § 60 18(c)(1) requires flares to be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any two consecutive hours
- 7 40 C F R § 60 11(d) requires owners and operators to maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions at all times including periods of startup, shutdown, and malfunction. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operation and maintenance procedures, and inspection of the source

Equistar's Facility

- 8 Equistar owns and operates a chemical manufacturing facility located at 8805 North Tabler Road outside of Morris, Illinois in Grundy County. The ethylene manufacturing plant at the facility contains the following equipment
- Two deethanizer distillation columns with a vent to the flare
 - Propylene refrigeration compressor
 - Main flare
- 9 The two deethanizer distillation columns were installed in 1990 to replace a single deethanizer distillation tower. The two deethanizer columns share a common vapor recovery system. The deethanizer columns vent to the main flare to control emissions during process fluctuations, malfunctions and emergency conditions
- 10 The propylene refrigeration compressor is part of the propylene refrigeration system that provides cooling to various parts of the ethylene plant. Vapor from the propylene refrigeration compressor is routed to the main flare
- 11 Equistar's two deethanizer columns with a common vapor recovery system are subject to the requirements at 40 C F R Part 60, Subpart A and Subpart NNN because this affected facility was constructed and began operation after December 30, 1983
- 12 Equistar's main flare for the ethylene plant is subject to the requirements at 40 C F R Part 60, Subpart A because it is used by the two deethanizer distillation units as a control device to comply with the control standards of 40 C F R Part 60, Subpart NNN
- 13 On May 3, 2006, three U S EPA inspectors observed visible emissions of black smoke from the main flare located on the west side of the Equistar property. These observations were made from approximately 09 00 to 09 30 while driving around the eastern and southern perimeters of the

Equistar facility Between approximately 09 00 and 09 15 visible emissions were observed when viewing the flare from the east, then between approximately 09 15 to 09 30 visible emissions were observed when viewing the flare from the south See attached observation sheet

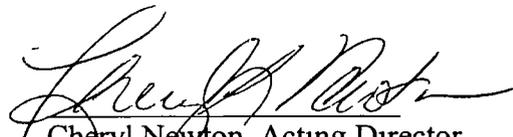
- 14 On May 3, 2006, at 09 45 Equistar telephoned the Emergency Response Notification System (ERNS) and reported an unknown release of ethylene and propylene from the Equistar facility located in Morris, Illinois The ERNS report (ERNS # 194198) described the incident as "a release of materials from a flare due to loss of propylene refrigeration compressor "

Violations

- 15 On May 3, 2006, Equistar discharged visible emissions of black smoke from the Main Flare at its Morris, Illinois ethylene manufacturing plant for approximately 30 minutes between 09 00 and 09 30, in violation of 40 C F R 60 18(c)(1)
- 16 On May 3, 2006, Equistar discharged visible emissions of black smoke from the Main Flare at its Morris, Illinois ethylene manufacturing plant for approximately 30 minutes between 09 00 and 09 30, in violation of Equistar's obligation to maintain and operate its ethylene manufacturing plant and associated flare in a manner consistent with good air pollution control practice for minimizing emissions at all times, including periods of startup, shutdown, and malfunction, which constitutes a violation of 40 C F R § 60 11(d)

Date

6/5/06


Cheryl Newton, Acting Director
Air and Radiation Division

Attached observation sheet

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No EPA-5-06-IL-19 by

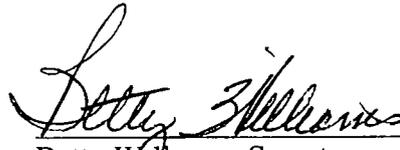
Certified Mail, Return Receipt Requested, to

Robert Steele, Environmental Superintendent
Equistar Chemicals, LP
8805 N Tabler Road
Morris, Illinois 60450

I also certify that I sent copies of the Finding of Violation by first class mail to

Julie Armitage, Acting Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

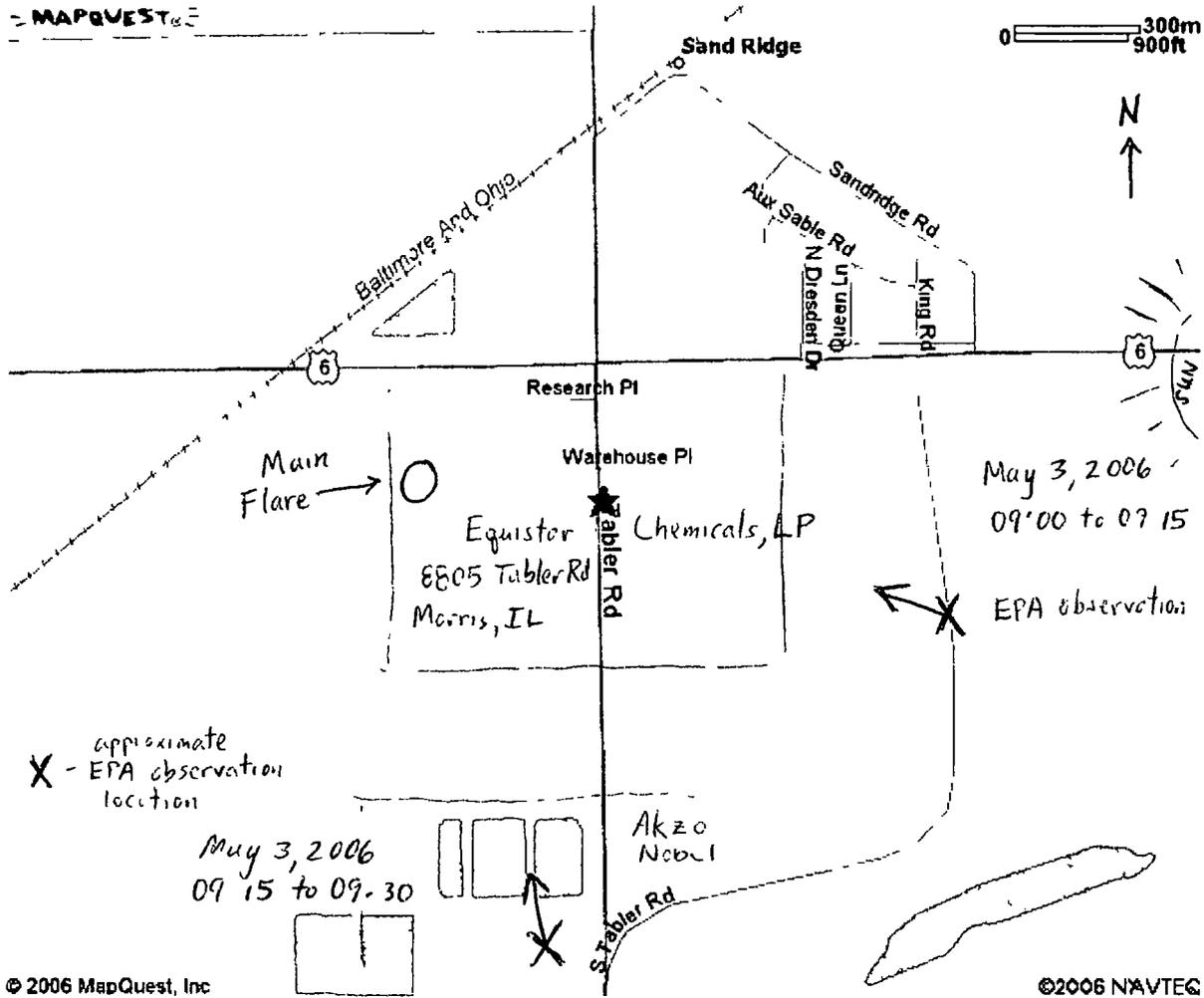
on the 6th day of June, 2006


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER 70010320000614550952

OBSERVATION SHEET DOCUMENTING VISIBLE EMISSIONS OF BLACK SMOKE FROM FLARE, IN VIOLATION OF 40 C F R 60 18(c)(1)

SOURCE Main Flare at Equistar Chemicals, LP Facility located at 8805 North Tabler Road, Morris, IL
 DATE May 3, 2006
 TIME between 09 00 and 09 30
 WEATHER sunny, approximately 65°F
 WIND SPEED approximately 5 m p h WIND DIRECTION West/Southwest
 OBSERVATION LOCATIONS see diagram below



On May 3, 2006, the undersigned U S EPA inspectors observed visible emissions of black smoke from the main flare located on the west side of the Equistar property. These observations were made from approximately 09 00 to 09 30 while driving around the eastern and southern perimeters of the Equistar facility. Between approximately 09 00 and 09 15 visible emissions were observed when viewing the flare from the east, then between approximately 09 15 to 09 30 visible emissions were observed when viewing the flare from the south.

Morgan J Jencius
 Morgan Jencius, U S EPA

Brian Dickens
 Brian Dickens, U S EPA

Tanya Boomer
 Tanya Boomer, U S EPA