



REGION 6

DALLAS, TX 75270

August 28, 2025

TRANSMITTED VIA E-MAIL

Andrea Peters, DMRQA Coordinator
Equistar Chemicals, LP and LyondellBasell Acetyls, LLC
P.O. Drawer D
Deer Park, Texas 77536
andrea.peters@lyondellbasell.com

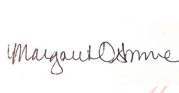
RE: Administrative Order; Docket Number: CWA-06-2025-1776
Equistar Chemicals La Porte Complex
TPDES Permit Number: TX0119792

Dear Ms. Peters:

Enclosed is an Administrative Order (AO) issued to the Equistar Chemicals, LP and LyondellBasell Acetyls, LLC, for violations of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq. Violations were identified during a review of the permit file and discharge monitoring reports submitted for the Equistar Chemicals La Porte Complex. The violations alleged are for failure to meet permit effluent and monitoring requirements, and to collect and analyze samples for Outfall 004Q for the monitoring period ending 09/30/2024. The United States Environmental Protection Agency (EPA) requests that you immediately confirm receipt of this e-mail and the attached order by a response e-mail to montoya.david01@epa.gov

The AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty (30) days of the effective date of the AO. EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2025-1776 and TPDES Permit Number TX0119792 on your response. If you have any questions, please contact Mr. David Montoya Jr. of my staff, at (214) 665-6478 or montoya.david01@epa.gov.

Sincerely,

 Digitally signed by
MARGARET OSBOURNE
Date: 2025.08.28
13:38:01 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

ec: laura.draper@tceq.texas.gov
mark.bookmyer@lyb.com, Site Manager



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
Docket Number: CWA-06-2025-1776; TPDES Permit Number: TX0119792

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), by Section 309(a) of the Clean Water Act (the Act), 33 U.S.C. § 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. Equistar Chemicals, LP and LyondellBasell Acetyls, LLC (Respondents) are "persons," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to this Order (all relevant times), Respondents owned or operated Equistar Chemicals La Porte Complex (facility) located at 1515 Miller Cut-Off, north of the City of La Porte, In Harris County, Texas 77571, and were, therefore, "owners or operators" within the meaning of 40 C.F.R. § 122.2.
3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its final wastewater discharge via Outfalls 001, 003, 004, 005, 006, 007, 008, and 009 to an unnamed ditch, thence to an unnamed ditch (tidal), thence to San Jacinto Bay, and via Outfall 010 directly to San Jacinto Bay in Segment No. 2427 of the Bays and Estuaries, which are "waters of the United States," within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.
4. Because Respondents owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondents and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program.
5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.
7. Section 402 of the Act, 33 U.S.C. § 1342, authorizes states to request approval from EPA to administer their own permit programs for discharges into navigable waters within their jurisdiction. Pursuant to this provision, the State of Texas requested approval from EPA to administer its own permit program for discharges into navigable waters within Texas, and such approval was granted by EPA on September 14, 1998. Therefore, pursuant to the State's permit program, the Texas Commission on Environmental Quality (TCEQ) issued Texas Pollutant Discharge Elimination System (TPDES) permits. Violation of a TPDES permit is a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).
8. Respondents applied for and were issued TPDES Permit No. TX0119792 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, with an issuance date of March 18, 2021. At all relevant times, Respondents were authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.
9. The permit includes "Monitoring and Reporting Requirements" that require Respondents to sample and test their effluent and monitor their compliance with permit conditions according to specific procedures, in order to determine the facility's compliance or noncompliance with the permit and applicable regulations. The permit also requires Respondents to file with TCEQ certified Discharge Monitoring Reports (DMRs) of the results of monitoring, and Noncompliance Reports when appropriate.
10. The permit contains "Effluent Limitations and Monitoring Requirements" that place certain limitations on the quality and quantity of effluent discharged by Respondents. The relevant discharge limitations are specified in Attachment A, which is incorporated herein by reference.
11. Certified DMRs filed by Respondents with TCEQ in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in the permit, as specified in Attachment B, which is incorporated herein by reference.

12. Each instance in which Respondents discharged pollutants to waters of the United States in amounts exceeding the effluent limitations contained in the permit was a violation of the permit and Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

13. Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondents to take the following action:

A. Take such measures as are necessary to comply with all permit conditions, including Effluent Limitations and Monitoring and Reporting Requirements, no later than thirty (30) days from the effective date of the Order.

B. Within thirty (30) days of the effective date of this Order, Respondents shall submit a list of the specific actions taken to correct the Oil & Grease, Free Available Cyanide, Total Organic Carbon, Total Copper, and the Total Suspended Solids limits.

C. Within thirty (30) days of the effective date of this Order, Respondents shall provide written certification to EPA Region 6 that the violations cited herein have been corrected and the facility is compliant with the requirements of the permit.

D. In the event the Respondents believe complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, Respondents shall, within thirty (30) days of the effective date of this Order, submit a comprehensive written plan for the elimination of the cited violations within the shortest possible time. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

E. Any information or correspondence submitted by Respondents to EPA under this Order shall be submitted, via e-mail, to the following:

Mr. David Montoya Jr.
montoya.david01@epa.gov

GENERAL PROVISIONS

Respondents may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

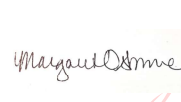
Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraph 13 is restitution, remediation, or required to come into compliance with the law.

This Order does not constitute a waiver or modification of the terms or conditions of Respondents' NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve Respondents of their obligation to comply with any applicable federal, state, or local law or regulation.

The effective date of this Order is the date it is received by Respondents.

 Digitally signed by
MARGARET OSBOURNE
Date: 2025.08.28
13:38:50 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachment A
Equistar Chemicals La Porte Complex
TPDES Permit ID: TX0119792

Effluent Parameter	Outfall	Daily Avg. mg/L (lbs/day)	Daily Max mg/L (lbs/day)
Total Organic Carbon (TOC)	005	Report	55
Total Copper (as Cu)	004	0.0104 (0.128)	0.0220 (0.271)
Free Available Cyanide	005	0.0050	0.0106
Free Available Cyanide	004	0.0050 (0.061)	0.0106 (0.131)
Oil & Grease	105	N/A	15
Total Suspended Solids	105	N/A	149

Attachment B
Equistar Chemicals La Porte Complex
TPDES Permit ID: TX0119792

Monitoring Period End Date	Outfall	Parameter	Statistical Base	Limit Unit	Limit Value	DMR Value
2/29/2024	105	Oil & Grease	DAILY MX	mg/L	15	125
6/30/2024	005	Cyanide, free available	DAILY MX	mg/L	0.0106	0.0132
7/31/2024	005	Carbon, tot organic [TOC]	DAILY MX	mg/L	55	93.9
8/31/2024	004	Copper, total [as Cu]	DAILY AV	mg/L	0.0104	0.012
10/31/2024	004	Cyanide, free available	DAILY AV	lb/d	0.061	0.075
10/31/2024	004	Cyanide, free available	DAILY AV	mg/L	0.005	0.007
10/31/2024	004	Cyanide, free available	DAILY MX	mg/L	0.0106	0.0113
12/31/2024	004	Cyanide, free available	DAILY AV	mg/L	0.005	0.006
12/31/2024	004	Cyanide, free available	DAILY AV	lb/d	0.061	0.068
1/31/2025	004	Cyanide, free available	DAILY MX	mg/L	0.0106	0.019
1/31/2025	004	Cyanide, free available	DAILY MX	lb/d	0.131	0.173
1/31/2025	004	Cyanide, free available	DAILY AV	lb/d	0.061	0.097
1/31/2025	004	Cyanide, free available	DAILY AV	mg/L	0.005	0.009
2/28/2025	004	Cyanide, free available	DAILY AV	mg/L	0.005	0.006
2/28/2025	004	Cyanide, free available	DAILY AV	lb/d	0.061	0.066
3/31/2025	004	Cyanide, free available	DAILY AV	lb/d	0.061	0.071
3/31/2025	004	Copper, total [as Cu]	DAILY AV	mg/L	0.0104	0.0135
3/31/2025	004	Copper, total [as Cu]	DAILY AV	lb/d	0.128	0.14

3/31/2025	004	Cyanide, free available	DAILY AV	mg/L	0.005	0.006
4/30/2025	004	Cyanide, free available	DAILY AV	mg/L	0.005	0.0055
4/30/2025	004	Copper, total [as Cu]	DAILY AV	mg/L	0.0104	0.012
5/31/2025	105	Oil & Grease	DAILY MX	mg/L	15	213
5/31/2025	105	Solids, total suspended	DAILY MX	mg/L	149	530
6/30/2025	004	Copper, total [as Cu]	DAILY AV	mg/L	0.0104	0.0112