EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1220-AIR-E **TCEQ ID:** RN100219526 **CASE NO.:** 34331

RESPONDENT NAME: Texas Petrochemicals LP

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Texas Petrochemicals Houston Facility, 8600 Park Place Boulevard, Houston, Harris County

TYPE OF OPERATION: Chemical manufacturing

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1510-AIR-E, 2007-1141-AIR-E and 2007-1675-AIR-E.

INTERESTED PARTIES: Comments were received from Mr. Arturo J. Blanco, Chief, Bureau of Air Quality Control, Environmental Health Division, Houston's Department of Health and Human Resources, 8000 N. Stadium Drive, Houston, Texas 77054-1823. The comments were requesting the following: corrective actions to be more prescriptive, submittal of documentation required by ordering provisions to local governments in addition to TCEQ, the addition of a violation of the State Implementation Plan ("SIP") which would increase the penalty, removal of the deferral due to culpability, and the issuance of a Findings Order rather than a 1660.

COMMENTS RECEIVED: The *Texas Register* comment period expired on November 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Chris Hendrix, Environmental Manager, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017
Mr. Christopher Artzer, Vice President and General Counsel, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 28, 2007 **Date of NOV/NOE Relating to this Case:** July 26, 2007 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **AIR** Failed to prevent unauthorized emissions during a June 25, 2007 emissions event. Specifically, during the June 25, 2007 emissions event the following unauthorized emissions were released from the American Petroleum Institute Oil Water Separator over a period of three hours: 15.70 pounds ("lbs") of 1,3-butadiene, 12.60 lbs of isobutane, 12.60 lbs of isobutylene, 9.40 lbs of N-butane, 6.0 lbs of pentane, 3.50 lbs of vinylcyclohexane, 1.0 lbs of dimethylformamide, 1.0 lbs of methyl tert-butyl ether, 0.50 lbs of benzene, 0.50 lbs of hexanes, 0.50 lbs of octenes, 0.25 lbs of unspeciated volatile organic compounds, 0.50 lbs of styrene, 0.50 lbs of toluene, and 0.05 lbs of 1,2-butadiene. Since the emissions event was avoidable Texas Petrochemicals failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $10,000 **Total Deferred:** $2,000 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $4,000 **Total Paid to General Revenue:** $4,000 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Within 45 days after the effective date of this Agreed Order, install an alarm on distillation column 2D-68 to alert operators of the presence of oil/water emulsion; b. Within 60 days after the effective date of this Agreed Order, clean the coalescer downstream of unit 3F-1521 to facilitate improved operation; c. Within 120 days after the effective date of this Agreed Order, complete an evaluation of other reasonable options to alert operators of the presence of oil/water emulsion; d. Within 180 days after the effective date of this Agreed Order: i. Implement actions identified during the evaluation required by Ordering Provision 2.c. to alert operators of the presence of an oil/water emulsion; and ii. Add residence time to the operation of 3F-1521. e. Within 210 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a. through 2.d.ii., including documentation detailing corrective measures implemented at the Plant.

Additional ID No(s).: HG0562P

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: H.S. Buddy Garcia, Chairman
Larry R. Soward, Commissioner
Bryan W. Shaw, Ph.D., Commissioner
Celeste Baker, Acting General Counsel

Date: November 14, 2007

Thru: MRR Mary R. Risner, Director, Litigation Division

MRB Matthew R. Baker, P.E., Director, Enforcement Division

From: Richard Clarke, Manager, Enforcement Division

Subject: Response to Comment Received Concerning Proposed Agreed Enforcement Order, Texas Petrochemicals LP, Houston, Harris County
RN100219526, Enforcement Case No. 34331, Docket No. 2007-1220-AIR-E

In response to a publication in the *Texas Register* on October 12, 2007, one comment has been received regarding a proposed agreed enforcement order requiring certain actions of Texas Petrochemicals LP ("TPC"). The comment was received within the thirty-day public comment period.

The proposed order addresses allegations related to TPC's failure to prevent unauthorized emissions. The violation was documented during a record review conducted June 28, 2007. TCEQ staff and TPC agreed on the terms of the proposed order on September 10, 2007. The order would assess a Ten Thousand Dollar ($10,000) penalty, with Two Thousand Dollars ($2,000) deferred. TPC has paid Four Thousand Dollars ($4,000) of the administrative penalty, and Four Thousand Dollars ($4,000) would be applied to a Supplemental Environmental Project.

A copy of the comment, and the staff response to the comment, are attached for your consideration. In summary, the comments were requesting the following: corrective actions to be more prescriptive, submittal of documentation required by ordering provisions to local governments in addition to TCEQ, the addition of a violation of the State Implementation Plan ("SIP") which would increase the penalty, removal of the deferral due to culpability, and the issuance of a Findings Order rather than a 1660.

Staff's position, as reflected in the response, is that the technical requirements ordered are sufficient to ensure adequate corrective actions and are consistent with TCEQ policies, it is not appropriate to require in a commission order that regulated entities duplicate submittals to local governments, TCEQ does not have evidence to support the referenced SIP violation, evidence of culpability does not exist, therefore a deferral is appropriate, and that this enforcement action does not meet the Findings Order criteria. Accordingly, the Enforcement and Litigation Divisions recommend that you adopt this proposed order.

Attachments

cc: Mr. Joel Anderson, Manager, Air Quality Section, Houston Regional Office
Ms. Linda Vasse, Manager, Air Quality Section, Houston Regional Office
Ms. Rebecca Johnson, Coordinator, Enforcement Division, Houston Regional Office
Central Records, MC 213, Building E, 1st Floor, HG0562P
Enforcement Division Reader File

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 14, 2007

Mr. Arturo J. Blanco, Chief
Bureau of Air Quality Control
Environmental Health Division
Houston's Department of Health and Human Services
8000 N. Stadium Drive
Houston, TX 77054-1823

Re: Comment Received, Proposed Agreed Enforcement Order
Texas Petrochemicals LP
RN100219526; Docket No. 2007-1220-AIR-E; Enforcement Case No. 34331

Dear Mr. Blanco:

On November 12, 2007, we received your letter concerning the proposed agreed enforcement order addressing violations that occurred at the Texas Petrochemicals LP ("TPC") chemical manufacturing plant in Harris County, Texas. I have forwarded your letter to our Houston Regional Office for their information and to our General Counsel's Office so that the Commissioners can consider your comments regarding the proposed order.

Texas Commission on Environmental Quality ("TCEQ") staff and TPC agreed on the terms of the proposed order on September 10, 2007. Accordingly, TPC was assessed an administrative penalty of Ten Thousand Dollars ($10,000). Two Thousand Dollars ($2,000) is deferred contingent upon TPC's timely and satisfactory compliance with all the terms of the proposed agreed enforcement order. TPC has paid Four Thousand Dollars ($4,000) of the administrative penalty, and Four Thousand Dollars ($4,000) will be offset by TPC's completion of a Supplemental Environmental Project ("SEP").

Your letter states that the "proposed Agreed Order requires TPC to implement measures designed to prevent the recurrence of emissions events due to the same cause," that "these measures are not listed in the proposed Agreed Order, so it cannot be determined if the selected measures will be adequate to prevent recurrence," and recommends that "TCEQ revise the proposed Agreed Order to require TPC to cover or otherwise control the emissions from the API Oil/Water Separator and related equipment." The technical requirements in the proposed agreed order require TPC to install an alarm on distillation column 2D-68 to alert operators of the presence of oil/water emulsions, clean the coalescer downstream of unit 3F-1521 to facilitate improved operation, complete an evaluation of other reasonable options to alert operators of the presence of oil/water emulsions, implement actions identified in the evaluation, and add residence time to the operation of 3F-1521.

Regarding your comment that "the penalty does not include the obvious State Implementation Plan violation for failing to control the API Oil/Water Separator when the VOC vapor pressure in the API Oil/Water

Separator exceeded the maximum allowable level," a copy of your comments will be submitted to the Houston Regional Office Air Program for the consideration of any additional violations, and your comments/concerns will be addressed appropriately.

Regarding your comment that the TCEQ should "require TPC to submit all corrective actions as required by the proposed Agreed Order to the local governments in addition to the TCEQ," The records of the TCEQ are public and can be viewed on site or requested from the TCEQ at any time.

Regarding your comment that "TPC's compliance history over the previous five-year period indicates that Docket No. 2007-1220-AIR-E should be a Findings Order" and "TCEQ should not use a 1660-styled order...," the Findings Order criteria was reviewed in reference to the proposed agreed enforcement order and it was determined that the Findings Order criteria was not met.

Regarding your comment that "TPC's compliance history over the previous five-year period indicates that Docket No. 2007-1220-AIR-E should not offer a penalty deferral to TPC." and "According to TCEQ's Enforcement Standard Operating Procedures, TCEQ should not offer a penalty deferral when documentation of culpability exists," a review of TPC's compliance history did not indicate that TPC met the culpability criteria included in the current penalty policy; therefore, a deferral was offered.

Regarding your comment that "BAQC believes that TPC's current efforts to control VOC emissions from the API Oil/Water Separator may address the problems..." and "BAQC recommends that the proposed Agreed Order include technical requirements for PCW to install a permanent control device and conduct necessary monitoring to control emissions from the operations that perform oil/water separations at TPC", TCEQ has determined the ordering provisions contained in the proposed Agreed Order are sufficient; however, TPC may choose to institute additional measures to control unauthorized emissions.

We appreciate your input into the enforcement action currently pending against TPC. The proposed agreed order is expected to be considered at the Commission's Agenda on December 19, 2007. Your name has been added to the mailing list to receive a copy of the final order, should the Commission adopt it. If you have further concerns or comments related to the order, please do not hesitate to call Rebecca Johnson of my staff at (713) 422-8931.

Sincerely,

Matthew R. Baker, P.E., Director
Enforcement Division
Texas Commission on Environmental Quality

MB/rj

cc: Ms. Celeste Baker, Acting General Counsel, TCEQ
Mr. Blas Coy, Public Interest Counsel, TCEQ
Ms. LaDonna Castañuela, Chief Clerk, TCEQ
Mr. Joel Anderson, Manager, Air Section, Houston Regional Office, TCEQ
Ms. Linda Vasse, Manager, Air Section, Houston Regional Office, TCEQ

bcc: Ms. Rebecca Johnson, Coordinator, Enforcement Division, Houston Regional Office
Central Records, MC 213, Building E, 1st Floor, HG0562P
Enforcement Division Reader File

CITY OF HOUSTON

Department of Health and Human Services

Bill White
Mayor

Stephen L. Williams, M.Ed., M.P.A
Director
Health and Human Services Department
8000 N. Stadium Drive
Houston, Texas 77054-1823

T 713.794.9311
F 713.798.0862
www.houstonhealth.org

November 9, 2007

Via Facsimile at (512) 239-3434

Texas Commission on Environmental Quality
c/o Rebecca Johnson, Enforcement Coordinator
P.O. Box 13087, MC 175
Austin, Texas 78711-3087

Re: Texas Petrochemicals LP (TPC), Docket No. 2007-1220-AIR-E
Texas Register Notice, 32 Tex. Reg. 7308 (Oct. 12, 2007)
Comments on Proposed Agreed Order

Dear Ms. Johnson:

In response to the above referenced Texas Register notice, the City of Houston's Bureau of Air Quality Control (BAQC) is taking this opportunity to comment on the proposed Agreed Order between TPC and the Texas Commission on Environmental Quality (TCEQ). On behalf of the Houston communities we serve, BAQC applauds the TCEQ's prompt action in addressing air quality incidents and violations of much concern to Houston. In the spirit of helping to further improve air quality enforcement, BAQC makes the following suggestions:

The proposed Agreed Order requires TPC to "implement measures designed to prevent the recurrence of emissions events due to the same cause." However, these measures are not listed in the proposed Agreed Order, so it cannot be determined if the selected measures will be adequate to prevent recurrence. As discussed below, there have been a series of documented violations involving emissions from TPC's American Petroleum Institute (API) Oil/Water Separator and related equipment. Therefore, TCEQ should revise the proposed Agreed Order to require TPC to cover or otherwise control the emission from the API Oil/Water Separator.

The BAQC investigated several emissions events and odor complaints related to the TPC API Oil/Water Separator in the past five years. In addition, TCEQ initiated enforcement actions and issued Agreed Order, Docket No. 2005-0257-AIR-E as a result of several investigations. TCEQ did not address appropriate control measures for the API Oil/Water Separator through the previous Agreed

Order. In fact, the exact vague language noted above, requiring TPC to implement measures to prevent recurrence appeared in the previous agreed order. Therefore, the problem of unauthorized emissions from the API Oil/Water Separator has not been addressed and is a continuing problem. The following is a history of odor complaints, emissions events and related enforcement actions involving the API Separator since 2003:

- 5/12/2003 API Separator Event: In response to a complaint, a nuisance was confirmed. A notice of violation (NOV) was issued by BAQC on 6/30/2003 which was resolved based on TPC indicating they will improve monitoring and control of what enters the API separator.

- 9/3/2003 API Separator Event: No enforcement action was initiated for this emissions event that TPC reported involving the API Oil/Water Separator. BAQC did not receive any complaints due to this emissions event.

- 1/29/2004 API Separator Event: 24 complaints were received by BAQC. A Notice of Enforcement (NOE) was issued by BAQC on 3/16/2004 for confirmed nuisance and this case was referred to TCEQ for enforcement. TCEQ did not take action because TPC filed for bankruptcy.

- 8/18/2004 API Separator Event: An NOE was issued on 12/16/2004 for allowing volatile organic compounds (VOC) with vapor pressures exceeding the maximum allowable vapor pressure to enter the API Oil/Water separator. The NOE was referred to TCEQ for enforcement. The enforcement action resulted in Agreed Order Docket No. 2005-0257-AIR-E. The Agreed Order did not address specific corrective actions related to the ongoing problem with the API Oil/Water Separator, such as requiring that TPC appropriately control emissions from the API Oil/Water Separator.

- 2/10/2005 to 2/15/2005 Fugitive Emissions Investigation: BAQC issued an NOE on 5/13/2005 for allowing VOC with vapor pressures exceeding the maximum allowable vapor pressure to enter the API separator. The NOE was referred to TCEQ for enforcement. This resulted in Agreed Order Docket No. 2005-0257-AIR-E. The Agreed Order corrective actions did not address the ongoing problems with the API Oil/Water Separator by requiring control of emissions from the API Oil/Water Separator.

- 3/21/2005 to 3/24/2005 Special Initiative Investigation: During this investigation BAQC found high vapor pressure VOC in the sewer line that leads to the API separator which exceeded the maximum allowable VOC vapor pressure. BAQC issued an NOE on 5/31/2005 and referred the NOE to TCEQ for enforcement. This resulted in Agreed Order Docket No.

2005-0257-AIR-E. The Agreed Order corrective actions did not address the ongoing problems with the API Oil/Water Separator (such as control of emissions from the API Oil/Water Separator).

- 7/12/2006 API Separator Event: Odor complaints resulted in a confirmed nuisance. BAQC issued an NOE on 1/31/2007.

- 6/25/2007 API Separator Event: TPC submitted a reportable event notice involving the API separator. TCEQ has proposed Agreed Order Docket No. 2007-1220-AIR-E on which these comments are based. The corrective actions are vague and no control device for emissions from the API Oil/Water Separator has been proposed. The corrective actions do not adequately address the ongoing problem with the API separator.

- 8/25/2007 Vacuum Tank Truck Event at the API Separator: The emissions event was caused when the water seal system failed on a contractor's vacuum truck that was unloading waste oil from a waste oil/water trailer truck tank located at the API Oil/Water Separator. TPC uses the waste oil/water trailer truck tanks to store waste oil collected from the API Oil/Water Separator and other TPC processes before it is transported offsite for disposal. During this event on 8/25/2007, TPC's North Fence Line 1,3-Butadiene monitor measured elevated 1,3-butadiene concentrations from 9:35 a.m. until 10:45 p.m., with a five-minute average as high as 113.4 ppbv at 9:50 p.m. The North Fence Line 1,3-Butadiene monitor was directly downwind from the vacuum tank truck at the time of the event. BAQC is currently investigating this incident.

- 9/13/2007 API Separator Event: Another reportable emissions event involving the API separator was reported by TPC. TCEQ issued an NOE on 10/16/2007. TCEQ has not proposed an Agreed Order for this event yet.

TPC submitted a permit amendment application for TCEQ Air Permit No. 46307 on 10/17/2007. The proposed permit amendment application is to incorporate emissions from process wastewater streams which include process drain hubs, the API Oil/Water Separator, an equalization basin, biological treatment ponds and 2 clarifiers. The permit application does not propose any controls for the API Oil/Water separator. TPC simply indicated in the permit amendment application that they will comply with the applicable requirements. TCEQ should require that TPC provide a cover for the API Oil/Water Separator and/or control emissions from the API Oil/Water Separator to prevent future nuisance conditions through TCEQ's permitting and enforcement authority.

Proposed Agreed Order Docket No. 2007-1220-AIR-E should be revised to incorporate specific technical measures to control emissions from the TPC's API Oil/Water Separator to minimize the impact of toxic chemicals and odors on the surrounding communities.

TCEQ should re-assess TPC's penalty amount for the proposed Agreed Order, which is $10,000. The penalty amount should be increased because the penalty does not include an obvious State Implementation Plan (SIP) violation for failing to control the API Oil/Water Separator when the VOC vapor pressure in the API Oil/Water Separator exceeded the maximum allowable level. This violation was cited in the NOV dated 6/30/2003, the NOE dated 3/16/2004, the NOE dated 12/16/2004, the NOE dated 5/13/2005, the NOE dated 5/31/2005, and the NOE dated 1/31/2007 as noted above. By enhancing the penalty amount and addressing the repeat SIP violation, TCEQ would demonstrate a concern for public health and impacts from air emissions and that there are significant consequences for non-compliance.

TCEQ should require TPC to submit all corrective actions as required by the proposed Agreed Order to the local governments in addition to TCEQ; e.g., City of Houston and Harris County.

Proposed Agreed Order Docket No. 2007-1220-AIR-E is a 1660-styled order. However, TPC's compliance history over the previous five-year period indicates that Docket No. 2007-1220-AIR-E should be a Findings Order. According to TCEQ's Enforcement Standard Operating Procedures, TCEQ should not use a 1660-styled order because, based on TPC's above noted compliance history, TPC has been indifferent to its legal duty, TPC has manifested less watchfulness than the circumstances require, TPC has demonstrated an absence of management practices designed to ensure compliance, TPC has a pattern of disregard for environmental laws and TPC has repeated enforcement actions for same or similar events in its compliance history (the NOV dated 6/30/2003, the NOE dated 3/16/2004, the NOE dated 12/16/2004 and TCEQ Agreed Order Docket No. 2005-0257-AIR-E). Therefore, BAQC believes that this enforcement case should be handled through a Findings Order.

The proposed Agreed Order Docket No. 2007-1220-AIR-E offers a 20% penalty deferral to TPC based on the 1660-styled order. However, TPC's compliance history over the previous five-year period indicates that Docket No. 2007-1220-AIR-E should not offer a penalty deferral to TPC. According to TCEQ's Enforcement Standard Operating Procedures, TCEQ should not offer a penalty deferral when documentation of culpability exists. TPC's extensive compliance history involving numerous same or similar API Oil/Water Separator violations should represent sufficient documentation of culpability to not allow for a penalty

deferral. Therefore, no penalty deferral should be offered to TPC, should a 1660-styled order be used for proposed Agreed Order Docket No. 2007-1220-AIR-E.

On 11/8/2007, BAQC conducted a site review at TPC in response to a Request for Comments from the TCEQ Permit Engineer who is working on the TCEQ Air Permit No. 46307 amendment relating to the API Oil/Water Separator. The BAQC investigator found that TPC, on a temporary basis, is using fixed roof storage tank truck trailers to collect process waste water and perform an oil/water separation. TPC is controlling emissions from these fixed roof storage tank truck trailers by using two activated carbon beds. After assuring that no oil is present in the waste water, TPC is discharging the process waste water from the temporary fixed roof storage tank truck trailers into the API Oil/Water Separator. TPC is discharging storm water and other non-process waste water directly into the API Oil/Water Separator. BAQC believes that TPC's current efforts to control VOC emissions from the API Oil/Water Separator may address the problems that have led to unauthorized emissions and odor complaints. Therefore, BAQC recommends that the proposed Agreed Order include technical requirements for TPC to install a permanent control device and conduct necessary monitoring to control emissions from the operations that perform oil/water separations at TPC.

BAQC appreciates the opportunity to offer TCEQ comments and looks forward to seeing the suggested improvements incorporated in the proposed Agreed Order.

Sincerely,

Arturo J. Blanco, Chief
Bureau of Air Quality Control
Health and Human Services Department
City of Houston

Cc: Paulette Wolfson, Special Counsel-Air, Legal Department, City of Houston
Elena Marks, Director of Health Policy, Mayor's Office, City of Houston
Christopher A. Artzer, Vice President and General Counsel, TPC
H. S. Buddy Garcia, Chairman, Texas Commission on Environmental Quality
Larry R. Soward, Commissioner, Texas Commission on Environmental Quality
Bryan W. Shaw, Commissioner, Texas Commission on Environmental Quality
Glenn Shankle, Executive Director, Texas Commission on Environmental Quality

Fax sent by :

City of Houston Fax Transmission

To: FAX Houston Pg 713-767-3520

From:

Houston Department of
Health and Human Services
Stephen L. Williams, MEd, MPA, Director

Environmental Health Division
Bureau of Air Quality Control
7411 Park Place Blvd.
Houston TX 77087
www.houstonhealth.org

From: SYED MOINUDDIN

Telephone: (713) 640-4233

FAX: (713) 640-4759 or (713) 640-4341

To: REBECCA Johnson

Fax: (512) 239-2550

Enforcement Coordinator, TCEQ

Agreed Order Comments

TPC Docket No. 2007-1220-AIR-E

Number of pages including this cover: 6

Notes:

Attachment A
Docket Number: 2007-1220-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Texas Petrochemicals LP**
Payable Penalty Amount:	**Eight Thousand Dollars ($8,000)**
SEP Amount:	**Four Thousand Dollars ($4,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

TCEQ

DATES					
Assigned	27-Jul-2007				
PCW	27-Jul-2007	Screening	27-Jul-2007	EPA Due	21-Apr-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Petrochemicals LP		
Reg. Ent. Ref. No.	RN100219526		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34331	No. of Violations	1
Docket No.	2007-1220-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **138%** Enhancement — *Subtotals 2, 3, & 7* **$6,900**

Notes: Penalty enhancement due to 11 Notices of Violations ("NOVs") issued for same or similar violations, seven NOVs issued for unrelated violations, one agreed order with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to one Notice of Audit submitted.

Culpability — No — **0%** Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — **0%** Reduction — *Subtotal 5* **$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$552
Approx. Cost of Compliance	$10,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$11,900**

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount **$11,900**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$10,000**

DEFERRAL — **20%** Reduction — *Adjustment* **-$2,000**

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$8,000**

Screening Date 27-Jul-2007 **Docket No.** 2007-1220-AIR-E **PCW**

Respondent Texas Petrochemicals LP *Policy Revision 2 (September 2002)*

Case ID No. 34331 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	11	55%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	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	2	50%
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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
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) 138%

>> Repeat Violator (Subtotal 3)

No ***Adjustment Percentage (Subtotal 3)*** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer ***Adjustment Percentage (Subtotal 7)*** 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 11 Notices of Violations ("NOVs") issued for same or similar violations, seven NOVs issued for unrelated violations, one agreed order with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to one Notice of Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 138%

Screening Date 27-Jul-2007 **Docket No.** 2007-1220-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent Texas Petrochemicals LP

Case ID No. 34331

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 46307, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during a June 25, 2007 emissions event. Specifically, during the June 25, 2007 emissions event the following unauthorized emissions were released from the American Petroleum Institute Oil Water Separator over a period of three hours: 15.70 pounds ("lbs") of 1,3-butadiene, 12.60 lbs of isobutane, 12.60 lbs of isobutylene, 9.40 lbs of N-butane, 6.0 lbs of pentane, 3.50 lbs of vinylcyclohexane, 1.0 lbs of dimethylformamide, 1.0 lbs of methyl tert-butyl ether, 0.50 lbs of benzene, 0.50 lbs of hexanes, 0.50 lbs of octenes, 0.25 lbs of unspeciated volatile organic compounds, 0.50 lbs of styrene, 0.50 lbs of toluene, and 0.05 lbs of 1,2-butadiene. Since the emissions event was avoidable Texas Petrochemicals LP failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The Houston Milby Park 169 air monitoring station documented elevated 1,3-butadiene readings at the time of the emissions event.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $552

Statutory Limit Test

Violation Final Penalty Total $11,900

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 34331
Reg. Ent. Reference No. RN100219526
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$10,000	25-Jun-2007	1-Aug-2008	1.1	$552	n/a	$552

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by an oil emulsion carry over from the wastewater collection system. Date required based on the date of the emissions event. Final date based on the projected date corrective actions will be completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $10,000

TOTAL $552

Compliance History

Customer/Respondent/Owner-Operator:	CN600130322	Texas Petrochemicals LP	Classification: AVERAGE	Rating: 7.69
Regulated Entity:	RN100219526	TEXAS PETROCHEMICALS HOUSTON FACILITY	Classification: AVERAGE	Site Rating: 3.17

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P
AIR OPERATING PERMITS	PERMIT	1598
AIR OPERATING PERMITS	PERMIT	2884
AIR NEW SOURCE PERMITS	PERMIT	1341A
AIR NEW SOURCE PERMITS	PERMIT	1766
AIR NEW SOURCE PERMITS	PERMIT	4136
AIR NEW SOURCE PERMITS	PERMIT	4238A
AIR NEW SOURCE PERMITS	PERMIT	10296
AIR NEW SOURCE PERMITS	PERMIT	10323A
AIR NEW SOURCE PERMITS	PERMIT	10352A
AIR NEW SOURCE PERMITS	PERMIT	10675A
AIR NEW SOURCE PERMITS	PERMIT	10840A
AIR NEW SOURCE PERMITS	PERMIT	11427A
AIR NEW SOURCE PERMITS	PERMIT	11801
AIR NEW SOURCE PERMITS	PERMIT	11801A
AIR NEW SOURCE PERMITS	PERMIT	13805A
AIR NEW SOURCE PERMITS	PERMIT	13806A
AIR NEW SOURCE PERMITS	PERMIT	15606
AIR NEW SOURCE PERMITS	PERMIT	16351
AIR NEW SOURCE PERMITS	PERMIT	19806
AIR NEW SOURCE PERMITS	PERMIT	22052
AIR NEW SOURCE PERMITS	PERMIT	24187
AIR NEW SOURCE PERMITS	PERMIT	28410
AIR NEW SOURCE PERMITS	PERMIT	37317
AIR NEW SOURCE PERMITS	PERMIT	40807
AIR NEW SOURCE PERMITS	PERMIT	43252
AIR NEW SOURCE PERMITS	PERMIT	43536
AIR NEW SOURCE PERMITS	PERMIT	44268
AIR NEW SOURCE PERMITS	PERMIT	44488
AIR NEW SOURCE PERMITS	PERMIT	44686
AIR NEW SOURCE PERMITS	PERMIT	44927
AIR NEW SOURCE PERMITS	PERMIT	46307
AIR NEW SOURCE PERMITS	PERMIT	46426
AIR NEW SOURCE PERMITS	PERMIT	46456
AIR NEW SOURCE PERMITS	PERMIT	47147
AIR NEW SOURCE PERMITS	PERMIT	47393
AIR NEW SOURCE PERMITS	PERMIT	48550
AIR NEW SOURCE PERMITS	PERMIT	49829
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P
AIR NEW SOURCE PERMITS	AFS NUM	4820100031
AIR NEW SOURCE PERMITS	REGISTRATION	70703
AIR NEW SOURCE PERMITS	REGISTRATION	71443
AIR NEW SOURCE PERMITS	REGISTRATION	71687
AIR NEW SOURCE PERMITS	PERMIT	50761
AIR NEW SOURCE PERMITS	EPA ID	PSDTX999
AIR NEW SOURCE PERMITS	REGISTRATION	77348
AIR NEW SOURCE PERMITS	REGISTRATION	77347
AIR NEW SOURCE PERMITS	REGISTRATION	77346
AIR NEW SOURCE PERMITS	REGISTRATION	77345
AIR NEW SOURCE PERMITS	REGISTRATION	77344
AIR NEW SOURCE PERMITS	REGISTRATION	77343
AIR NEW SOURCE PERMITS	REGISTRATION	78118
AIR NEW SOURCE PERMITS	REGISTRATION	79933
AIR NEW SOURCE PERMITS	REGISTRATION	79799
AIR NEW SOURCE PERMITS	REGISTRATION	80271
AIR NEW SOURCE PERMITS	REGISTRATION	80019
AIR NEW SOURCE PERMITS	REGISTRATION	79947
AIR NEW SOURCE PERMITS	REGISTRATION	80340
AIR NEW SOURCE PERMITS	REGISTRATION	80916
AIR NEW SOURCE PERMITS	REGISTRATION	80921
AIR NEW SOURCE PERMITS	REGISTRATION	81648
AIR NEW SOURCE PERMITS	REGISTRATION	81669

AIR NEW SOURCE PERMITS	REGISTRATION	81662
AIR NEW SOURCE PERMITS	REGISTRATION	82280
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008072134
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30417
STORMWATER	PERMIT	TXR05N796
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30417

Location: 8600 PARK PLACE BLVD, HOUSTON, TX, 77017 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 27, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 27, 2002 to July 27, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/24/2004 **ADMINORDER 2002-0609-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC10 PERMIT
Description: Failure to properly cap or plug open ended lines as documented during an investigation conducted on October 17, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 23 valves during the monitoring period ending March 31, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 2 repaired valves within 15 days.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC10 PERMIT
Description: Failure to adhere to LDAR monitoring schedule for pumps.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.532[G]
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent the unauthorized emissionof 1,366 lbs of butane, 2,053 lbs of butylene isomers, 1,518 lbs of isobutylene, 5 lbs of methanol, 6 lbs of methyl tert-butyl ether, 12 lbs of pentane, and 12 lbs of propane to the atmosphere from the central gland water system during an avoidable emissions event on August 18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 2. PERMIT
Special Condition 3.E PERMIT

Description: Failed to equip and open-ended valve with a second valve, cap, blind flange, or plug.

Classification: Minor

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

Rqmt Prov: Special Condition 3.E PERMIT

Description: Failed to ensure that there were not screwed connections on lines greater then two inches in diameter.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)[G]
30 TAC Chapter 115, SubChapter H 115.781(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 18 connections within one day after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 29 components within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 12 I. PERMIT

Description: Failed to repair 97 components within 15 days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 115, SubChapter H 115.782(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to repair 55 components within seven days after discovering a leak.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(a)[G]

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the emissions from the oily water sewer hubs which lead to the API Separator.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

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(b)
30 TAC Chapter 116, SubChapter H 116.814(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Provision 7.E. OP
Special Condition 1.E (v) OP

Special Condition No. 12.E PERMIT

Description: Failure to equip five open-ended valves with a second valve, cap, blind flange or plug.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter H 116.814(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1.E.(v) OP
Special Condition No. 12.E. OP

Description: Failed to seal three open-eded valves with a second valve, cap, blind flange, or plug.
Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 7.B.(i). OP
Description: Failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005.
Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #46307, SC #1 PERMIT
Description: Failure to prevent unauthorized emissions of 1,290 lbs of VOCs.

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
Description: Failure to prevent unauthorized emissions from Tank 851 during a cleaning process on September 14, 2006, resulting in an aviodable emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit the initial notification within 24 hours and the final report within two weeks of the end of the September 14, 2006 emissions emissions event.

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
Description: Release of unauthorized emissions that exceeded a reportable quantity.

Classification: Moderate

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

Rqmt Prov: No. 46307, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions of 104 lbs of butane, 9,066 lbs of butene, 6 lbs of butylenes isomers, 1,560 lbs of isobutene, 910 lbs of isobutylene, 45 lbs of propane, 87 lbs of propylene from the 4D-4A-OH Line over a period of 3 hrs and 22 min during an emissions event that occurred on December 1, 2006.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	01/09/2003	(17886)
2	01/17/2003	(17931)
3	02/19/2003	(21171)
4	03/13/2003	(25806)
5	03/13/2003	(26455)
6	04/21/2003	(27289)
7	05/20/2003	(29901)
8	06/18/2003	(36257)
9	07/09/2003	(98190)
10	07/15/2003	(114135)
11	07/21/2003	(114195)
12	08/08/2003	(40801)
13	08/11/2003	(130767)
14	08/26/2003	(149809)
15	08/28/2003	(152866)
16	10/17/2003	(249451)
17	10/30/2003	(152888)
18	11/18/2003	(249532)
19	01/02/2004	(254540)
20	01/08/2004	(258394)
21	01/15/2004	(255521)
22	01/23/2004	(258353)

23	01/28/2004	(256991)
24	01/28/2004	(257009)
25	02/10/2004	(255227)
26	02/10/2004	(256355)
27	04/12/2004	(260974)
28	04/20/2004	(255875)
29	05/26/2004	(262402)
30	06/10/2004	(270492)
31	06/15/2004	(270507)
32	07/09/2004	(270285)
33	07/13/2004	(268259)
34	07/26/2004	(277574)
35	07/29/2004	(279114)
36	07/30/2004	(278578)
37	08/11/2004	(288425)
38	08/11/2004	(288800)
39	08/18/2004	(276597)
40	08/30/2004	(282027)
41	08/31/2004	(291888)
42	08/31/2004	(285908)
43	10/08/2004	(335087)
44	10/11/2004	(333747)
45	10/18/2004	(336459)
46	10/18/2004	(336854)
47	10/19/2004	(335878)
48	10/26/2004	(291758)
49	11/02/2004	(339528)
50	11/11/2004	(289544)
51	11/11/2004	(292795)
52	11/22/2004	(339425)
53	12/13/2004	(339426)
54	12/16/2004	(293258)
55	01/05/2005	(345579)
56	01/21/2005	(342214)
57	02/03/2005	(349418)
58	02/18/2005	(345797)
59	04/07/2005	(347336)
60	04/07/2005	(347331)
61	04/18/2005	(374447)
62	04/19/2005	(377616)
63	05/05/2005	(373870)
64	05/10/2005	(380624)
65	05/13/2005	(373465)
66	05/31/2005	(376325)
67	06/06/2005	(378762)
68	07/07/2005	(394060)
69	08/08/2005	(394042)
70	08/11/2005	(374658)
71	08/23/2005	(404475)
72	08/23/2005	(402060)
73	08/24/2005	(402041)
74	08/24/2005	(333418)
75	08/26/2005	(401337)
76	08/29/2005	(404046)
77	08/29/2005	(405738)
78	08/31/2005	(418954)
79	08/31/2005	(402446)
80	09/27/2005	(405860)
81	02/23/2006	(455880)
82	02/25/2006	(456997)
83	02/27/2006	(457159)
84	02/28/2006	(457074)
85	03/13/2006	(450068)
86	03/13/2006	(450024)
87	03/13/2006	(450051)
88	04/04/2006	(458283)

89	04/04/2006	(458271)
90	04/04/2006	(461031)
91	04/28/2006	(458466)
92	05/30/2006	(480219)
93	05/30/2006	(480237)
94	05/30/2006	(480292)
95	05/30/2006	(480297)
96	05/30/2006	(480287)
97	05/30/2006	(480133)
98	05/30/2006	(471013)
99	05/30/2006	(480300)
100	05/30/2006	(480289)
101	05/30/2006	(459802)
102	05/30/2006	(480277)
103	05/30/2006	(480141)
104	05/30/2006	(480099)
105	05/30/2006	(480302)
106	05/30/2006	(480303)
107	05/30/2006	(480304)
108	05/30/2006	(480245)
109	05/30/2006	(480305)
110	05/30/2006	(480306)
111	05/30/2006	(480308)
112	05/30/2006	(480311)
113	05/30/2006	(480313)
114	05/30/2006	(480314)
115	05/30/2006	(480315)
116	05/30/2006	(480233)
117	05/30/2006	(480265)
118	05/30/2006	(478963)
119	05/30/2006	(480222)
120	05/30/2006	(480200)
121	05/30/2006	(480206)
122	05/30/2006	(480282)
123	05/30/2006	(477634)
124	05/30/2006	(480186)
125	05/31/2006	(480637)
126	05/31/2006	(480638)
127	05/31/2006	(480639)
128	05/31/2006	(480640)
129	05/31/2006	(480641)
130	05/31/2006	(480642)
131	05/31/2006	(480643)
132	05/31/2006	(480644)
133	05/31/2006	(480645)
134	05/31/2006	(480646)
135	05/31/2006	(480530)
136	05/31/2006	(480647)
137	05/31/2006	(480648)
138	05/31/2006	(480649)
139	05/31/2006	(480651)
140	05/31/2006	(480653)
141	05/31/2006	(480468)
142	05/31/2006	(480654)
143	05/31/2006	(480610)
144	05/31/2006	(480655)
145	05/31/2006	(480226)
146	05/31/2006	(480656)
147	05/31/2006	(480244)
148	05/31/2006	(480569)
149	05/31/2006	(480631)
150	05/31/2006	(480197)
151	05/31/2006	(480263)
152	05/31/2006	(480425)
153	05/31/2006	(480445)
154	05/31/2006	(480455)
155	05/31/2006	(480246)

156	05/31/2006	(480623)
157	05/31/2006	(480242)
158	05/31/2006	(480502)
159	05/31/2006	(480634)
160	05/31/2006	(480214)
161	05/31/2006	(480635)
162	05/31/2006	(480254)
163	05/31/2006	(480866)
164	05/31/2006	(480479)
165	07/21/2006	(481873)
166	07/21/2006	(481904)
167	07/21/2006	(481780)
168	07/27/2006	(459885)
169	08/08/2006	(462831)
170	08/28/2006	(488585)
171	08/28/2006	(488528)
172	08/28/2006	(488643)
173	08/31/2006	(488584)
174	10/30/2006	(487750)
175	11/17/2006	(518574)
176	12/05/2006	(532642)
177	12/21/2006	(534110)
178	12/21/2006	(534106)
179	01/04/2007	(534107)
180	02/01/2007	(533800)
181	02/07/2007	(539409)
182	03/02/2007	(538543)
183	03/09/2007	(542643)
184	03/20/2007	(542634)
185	03/30/2007	(512156)
186	04/25/2007	(557786)
187	05/08/2007	(542720)
188	05/09/2007	(538778)
189	07/06/2007	(566435)
190	07/26/2007	(567778)

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

Date: 06/30/2003 (60730)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.4
Description: Failure to control emissions of heavy oils (12 Carbons- 20 Carbons).

Date: 08/08/2003 (40801)

Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to not cause, suffer, allow, or permit air contaminants in violation of commission rules.

Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to be authorized by a commission rule and permitted air contaminants in violation of commission rules

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Failure to meet the record keeping requirements that TPC submit the proper compound descriptive type of all individually listed compounds or mixtures of air contaminants.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to meet the record keeping requirements that TPC submit the proper authorized emissions limits for the facility involved in the final record.

Date: 02/10/2004 (255227)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to maintain opacity of emissions within the allowable limit of 20% for a period of six minutes at Boiler Nos. 4 and 8.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA TCEQ Air Permit 1341A
Description: Failure to comply with special provision No. 3 of TCEQ Air permit #1341A.

Date: 05/26/2004 (262402)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 106, SubChapter X 106.532(1)(O)[G]
30 TAC Chapter 115, SubChapter B 115.137(a)(2)
Rqmt Prov: PA September 4, 2000
Description: Failure to adhere to permit conditions, such that the psia of 2.0 for the fuel oil in the wastewater treatment system exceeded the permitted and regulated limits.

Date: 08/30/2004 (282027)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(12)
Description: The company failed to submit additional information neccessary to evaluate an emissions event when requested by the director or any air pollution control agency with jurisdiction, within the time frames established in the request as specified in 30 TAC 101.201(b)(12) and 30 TAC Chapter 101.201(a)(4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
Description: The regulated entity is in violation of 30 TAC Chapter 115.112(a)(1) which states no person shall place, store, or hold in any stationary tank, reservoir, or other container any volatile organic compound (VOC) unless such container is capable of maintaining working pressure sufficient at all times.

Date: 05/05/2005 (373870)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307, SC 9C
Description: Failure to control smoke from a flare resulting in an exceedance of the 5 minute time period in any two hours.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307 GC #7
Description: Failure to maintain information required to demonstrate compliance with the general condition number 7 of TCEQ Air Permit No. 46307.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307 SC 1
Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to submit the final record for an emissions event

Date: 06/06/2005 (378762)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to maintain opacity of emissions less than 20% at the Boiler #9 Stack.

Date: 08/08/2005 (394042)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
Description: Failure to submit information by the due date.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
Description: Failure to obtain a permit amendment for emissions from the D-100 Tower.

Date: 08/26/2005 (401337)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
Rqmt Prov: PERMIT TCEQ VERP Permit 46307 SC 8B
Description: Failed to meet the requirements specified under TCEQ Source Sampling Procedure

Manual Appendix P, 5.1.1.3, which requires samples should be drawn from either the vertical section near the base of the riser pipe or the top of a horizontal section prior to the riser pipe at a location where the pipe will be full.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
30 TAC Chapter 116, SubChapter H 116.814(a)

Rqmt Prov: PERMIT TCEQ VERP 46307 GC 7
PERMIT TCEQ VERP 46307 SC 8B

Description: Failed to document "Zero Air Check", "Stabilization Time" and "Water Blank Check" as required by Manual Appendix P.

Date: 03/13/2006 (450024)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)

Description: Failed to monitor CO emissions when the RATA was conducted for the NOx and O2 CEMS.

Date: 03/13/2006 (450051)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)

Description: Failed to monitor CO when the RATA was conducted for the NOx and O2 CEMS.

Date: 03/13/2006 (450068)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)

Description: Failed to monitor CO emissions when the RATA was conducted for the Nox and O2 analyzers.

Date: 07/31/2006 (459885)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)

Description: RE failed to submit stack test reports on time.

Date: 08/29/2006 (466376)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Found to be in violation of 30 TAC Chapter 101.4 and 5C THC Chapter 382.085(b) for failure to control emissions.

Date: 08/31/2006 (488584)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
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 THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.783(6)
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 THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to comply with 30 TAC 1170206(i) by operating pump between the hours of 6:00 AM to noon.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to document presence and frequency of drips and to the sensor that indiates failure of the seal system for the 23 pumps.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(e)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598
Description: Failure to conduct daily inspection on the Number 5 compressor seal system sensor, which did not have an alarm system.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, 1A
Description: Failure repair leaking connector within 15 days.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to monitor 18 pumps.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598
Description: Failure to provide 30-day refilling notice to the IFR tank T-73.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to repair a leaking fugitive valve that is HRVOC service within 7 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to conduct first attempt repair on a leaking valve in HRVOC service within one day.

Date: 11/17/2006 (518574)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(B)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(C)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: The facility was unable to document any refusal of state or local agencies to enter into arrangements to provide emergency response.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)(1)
Description: NOR Unit 009-Tank: This unit has been removed. No notification regarding the removal of this tank, has been provided.

Unit 019 Tank: This unit has been converted from hazardous watse use to product use. The unit should go through the closure process.

Date: 12/21/2006 (534110)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1
Description: Release of unauthorized emissions that exceeded a reportable quantity.

Date: 12/21/2006 (534106)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1
Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

F. Environmental audits.

Notice of Intent Date: 05/11/2006 (467603)
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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
TEXAS PETROCHEMICALS LP	§	
RN100219526	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1220-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Petrochemicals LP ("Texas Petrochemicals") 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 Texas Petrochemicals appear before the Commission and together stipulate that:

1. Texas Petrochemicals owns and operates a chemical manufacturing plant at 8600 Park Place Boulevard in Houston, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and Texas Petrochemicals agree that the Commission has jurisdiction to enter this Agreed Order, and that Texas Petrochemicals is subject to the Commission's jurisdiction.

4. Texas Petrochemicals received notice of the violations alleged in Section II ("Allegations") on or about July 31, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Texas Petrochemicals of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Dollars ($10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Texas Petrochemicals has paid Four Thousand Dollars ($4,000) of the administrative penalty and Two

Thousand Dollars ($2,000) is deferred contingent upon Texas Petrochemicals' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Texas Petrochemicals fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Texas Petrochemicals to pay all or part of the deferred penalty. Four Thousand Dollars ($4,000) shall be conditonally offset by Texas Petrochemicals' completion of a Supplemental Environmental Project ("SEP").

7. 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.

8. The Executive Director of the TCEQ and Texas Petrochemicals have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. 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 Texas Petrochemicals has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Texas Petrochemicals is alleged to have failed to prevent unauthorized emissions during a June 25, 2007 emissions event, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 28, 2007. Specifically, during the June 25, 2007 emissions event the following unauthorized emissions were released from the American Petroleum Institute Oil Water Separator over a period of three hours: 15.70 pounds ("lbs") of 1,3-butadiene, 12.60 lbs of isobutane, 12.60 lbs of isobutylene, 9.40 lbs of N-butane, 6.0 lbs of pentane, 3.50 lbs of vinylcyclohexane, 1.0 lbs of dimethylformamide, 1.0 lbs of methyl tert-butyl ether, 0.50 lbs of benzene, 0.50 lbs of hexanes, 0.50 lbs of octenes, 0.25 lbs of unspeciated volatile organic compounds, 0.50 lbs of styrene, 0.50 lbs of toluene, and 0.05 lbs of 1,2-butadiene. Since the emissions event was avoidable Texas Petrochemicals failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

Texas Petrochemicals generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Texas Petrochemicals pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Texas Petrochemicals' compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Petrochemicals LP, Docket No. 2007-1220-AIR-E" to:

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

2. Texas Petrochemicals shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set for the in Section I, Paragraph 6 above, Four Thousand Dollars ($4,000) of the assessed administrative penalty shall be offset with the condition that Texas Petrochemicals implement the SEP defined in Attachment A, incorporated herein by reference. Texas Petrochemicals' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that Texas Petrochemicals shall undertake the following technical requirements:

   a. Within 45 days after the effective date of this Agreed Order, install an alarm on distillation column 2D-68 to alert operators of the presence of an oil/water emulsion;

   b. Within 60 days after the effective date of this Agreed Order, clean the coalescer downstream of unit 3F-1521 to facilitate improved operation;

   c. Within 120 days after the effective date of this Agreed Order, complete an evaluation of other reasonable options to alert operators of the presence of an oil/water emulsion;

   d. Within 180 days after the effective date of this Agreed Order:

      i. Implement actions identified during the evaluation required by Ordering Provision 3.c. to alert operators of the presence of an oil/water emulsion; and

      ii. Add residence time to the operation of 3F-1521.

e. Within 210 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. through 3.d.ii., including documentation detailing corrective measures implemented at the Plant.

The certification shall be notarized by a State of Texas Notary Public and 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 fine 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:

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

4. The provisions of this Agreed Order shall apply to and be binding upon Texas Petrochemicals. Texas Petrochemicals is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If Texas Petrochemicals fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Texas Petrochemicals' failure to comply is not a violation of this Agreed Order. Texas Petrochemicals shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Texas Petrochemicals shall notify the Executive Director within seven days after Texas Petrochemicals becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Texas Petrochemicals shall be made in writing to the Executive Director. Extensions are not effective until Texas Petrochemicals receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against Texas Petrochemicals in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Texas Petrochemicals, or three days after the date on which the Commission mails notice of the Order to Texas Petrochemicals, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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.

Chris A. Artzer 9/5/07
Signature Date

CHRISTOPHER A. ARTZER VP & GENERAL COUNSEL
Name (Printed or typed) Title
Authorized Representative of
Texas Petrochemicals LP

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-1220-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Texas Petrochemicals LP**
Payable Penalty Amount:	**Eight Thousand Dollars ($8,000)**
SEP Amount:	**Four Thousand Dollars ($4,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.