EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0073-AIR-E TCEQ ID: RN100219526 CASE NO.: 32227
RESPONDENT NAME: Texas Petrochemicals LP

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ORDER TYPE:

__1660 AGREED ORDER	_X FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	_X AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATERQUALITY		

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 is one pending enforcement action, Docket No. 2005-0257-AIR-E, regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Section III, MC R-12, (713) 767-3629; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Chris Hendrix, Senior Environmental Engineer, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017
Mr. Christopher A. Artzer, VP & General Counsel, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017

Respondent's Attorney: Not represented by counsel

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___Complaint ___Routine ___Enforcement Follow-up _X Records Review **Date of Complaints Relating to this Case:** None **Date of Investigations Relating to this Case:** September 21, 2006, December 6, 2006, December 13, 2006, and December 14, 2006 **Date of NOEs Relating to this Case:** December 5, 2006, December 21, 2006, and January 31, 2007 (NOE) **Background Facts:** These were routine investigations for compliance with the air program. Five significant program violations were observed. **AIR** 1) Failure to prevent unauthorized emissions on September 14, 2006 Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) 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 event [30 TEX. ADMIN. CODE § 101.201(a)(1) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to prevent unauthorized emissions on December 1, 2006. Since the emissions event was avoidable and determined to be excessive, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total assessed:** $31,336 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $31,336 **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 **Findings Order Justification:** This is a Findings Order because of unauthorized emissions which are excessive emissions events.	**Ordering Provisions** The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order: i. Implement measures designed to ensure timely reporting of emissions events; and ii. Implement measures designed to prevent to the extent practicable the recurrence of emissions due to the same causes as that of the October 11 and 18, 2006 and September 14, 2006 emissions events. b) Within 45 days after the effective date of this Agreed Order, submit written certification as described below under Provision f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.i. and a.ii.; c) Comply with the TCEQ request dated January 31, 2007, for submittal of a Corrective Action Plan ("CAP") to address the excessive emissions event that occurred December 1, 2006; d) Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing; e) Upon Executive Director approval, implement the CAP in accordance with the approved schedule; and f). Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions c. through e.

4) Failure to prevent unauthorized emissions on October 11, 2006. Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 5) Failure to prevent unauthorized emissions on October 18, 2006. Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

DATES					
Assigned	11-Dec-2006				
PCW	5-Feb-2007	Screening	21-Dec-2006	EPA Due	1-Sep-2007

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.	32227	No. of Violations	5
Docket No.	2007-0073-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Nadia Hameed
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $20,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 118% Enhancement — *Subtotals 2, 3, & 7* $23,836

Notes: Penalty enhacement due to ten NOVs issued for same or similar violations, seven NOVs issued for non-similar violations, one agreed order with a denial of liability, and one consent decree/court order without denial of liability. Penalty reduction due to submittal of one Notice of Audit letter.

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

Notes: 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.

Total EB Amounts	$380
Approx. Cost of Compliance	$9,800

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $44,036

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 $44,036

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $31,336

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral due to findings order.

PAYABLE PENALTY $31,336

Screening Date 21-Dec-2006 **Docket No.** 2007-0073-AIR-E **PCW**

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

Case ID No. 32227 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

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*)	10	50%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*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	1	35%
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) 118%

>> **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 enhacement due to ten NOVs issued for same or similar violations, seven NOVs issued for non-similar violations, one agreed order with a denial of liability, and one consent decree/court order without denial of liability. Penalty reduction due to submittal of one Notice of Audit letter.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 118%

Screening Date 21-Dec-2006 **Docket No.** 2007-0073-AIR-E **PCW**

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

Case ID No. 32227 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 1

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

Violation Description Failed to prevent unauthorized emissions of 327.5 pounds (lbs) of 1,3-butadiene from Tank 851 that was being cleaned, resulting in an emissions event which began on September 14, 2006, and lasted for fourteen hours and thirty minutes and caused or contributed to high 1,3-butadiene concentration readings at the CAM-169 Milby Park Station. Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 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: Human heath or the environment has been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

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 $135

Statutory Limit Test

Violation Final Penalty Total $10,900

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

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 32227
Reg. Ent. Reference No. RN100219526
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
6.0	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)	$3,000	14-Sep-2006	8-Aug-2007	0.9	$135	n/a	$135

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of an emissions event from the same cause as the September 14, 2005 emissions event. Required date based on the date of the emissions event. Final date based on the expected date that all corrective actions will be complete.

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: $3,000

TOTAL: $135

Screening Date 21-Dec-2006 **Docket No.** 2007-0073-AIR-E **PCW**

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

Case ID No. 32227 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and (c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit the initial notification within 24 hours and the final report within two weeks of the end of the emissions event. Specifically, the emissions event occurred on September 14, 2006, and the intial notification was submitted on October 4, 2006 and the final notification was submitted on October 17, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: The respondent failed to meet less than 30 percent of the rule requirement.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 2 | 33 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events are recommended for the two late reports.

Economic Benefit (EB) for this violation

Estimated EB Amount $13

Statutory Limit Test

Violation Final Penalty Total $436

This violation Final Assessed Penalty (adjusted for limits) $436

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 32227
Reg. Ent. Reference No. RN100219526
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$300	14-Sep-2006	8-Aug-2007	0.9	$13	n/a	$13

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that emissions events are reported within the required time frames. Required date based on the date of the emissions event. Final date based on the expected date when all corrective actions will be complete.

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: $300

TOTAL: $13

Screening Date 21-Dec-2006 **Docket No.** 2007-0073-AIR-E **PCW**

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

Case ID No. 32227 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 3

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

Violation Description Failed to prevent unauthorized emissions of 104 lbs of butane, 9,066 lbs of butene, 6 lbs of butylene 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 hours and 22 minutes during an emissions event that occurred on December 1, 2006. Since the emissions event was avoidable and determined to be excessive, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 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 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants, including 10,069 lbs of HRVOCs butene, propylene, isobutylene and butylene isomers, which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $171

Statutory Limit Test

Violation Final Penalty Total $21,800

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

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 32227
Reg. Ent. Reference No. RN100219526
Media Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$5,000	1-Dec-2006	8-Aug-2007	0.7	$171	n/a	$171

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of an emissions event from the same cause as the December 1, 2006 emissions event. Required date based on the date of the emissions event. Final date based on the expected date that all corrective actions will be complete.

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

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: $5,000

TOTAL: $171

Screening Date 21-Dec-2006 **Docket No.** 2007-0073-AIR-E **PCW**

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

Case ID No. 32227 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 4

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

Violation Description Failed to prevent unauthorized emissions of 134.33 lbs of isobutylene and 298.67 lbs of isobutane from a 1" bleeder valve on the 2D-9 feed line from Tank 3 in 2 plant-2D-9 Column Feed Line Unit during an emissions event that occurred on October 11, 2006 and lasted 41 minutes. Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 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 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

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 $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $5,450

This violation Final Assessed Penalty (adjusted for limits) $5,450

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 32227
Reg. Ent. Reference No. RN100219526
Media Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$500	11-Oct-2006	8-Aug-2007	0.8	$21	n/a	$21
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of an emissions event from the same cause as the October 11, 2006 emissions event. Required date based on the date of the emissions event. Final date based on the expected date that all corrective actions will be complete.

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: $500

TOTAL: $21

Screening Date 21-Dec-2006 **Docket No.** 2007-0073-AIR-E **PCW**

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

Case ID No. 32227 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 5

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

Violation Description Failed to prevent unauthorized emissions of 0.1 lbs of butadiene, 10.38 lbs of 1,3-butadiene, 30.47 lbs of butane, 44.05 lbs of butene, 0.01 lbs of ethylene, 0.09 lbs of methyl acetylene, 0.07 lbs of pentane, 1.32 lbs of propane, and 0.42 lbs of propylene from a rupture in 4D-70 OH line in the Vinyl Acetylene Unit ("VAU") during an emissions event that occurred on October 18, 2006 and lasted 15 minutes. Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 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 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

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 $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $40

Statutory Limit Test

Violation Final Penalty Total $5,450

This violation Final Assessed Penalty (adjusted for limits) $5,450

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 32227
Reg. Ent. Reference No. RN100219526
Media Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$1,000	18-Oct-2006	8-Aug-2007	0.8	$40	n/a	$40

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of an emissions event from the same cause as the October 18, 2006 emissions event. Required date based on the date of the emissions event. Final date based on the expected date that all corrective actions will be complete.

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: $1,000

TOTAL: $40

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	32431
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	0031
AIR NEW SOURCE PERMITS	PERMIT	PSDTX999
AIR NEW SOURCE PERMITS	REGISTRATION	70703
AIR NEW SOURCE PERMITS	REGISTRATION	71443
AIR NEW SOURCE PERMITS	REGISTRATION	71687
AIR NEW SOURCE PERMITS	PERMIT	P999
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	PERMIT	2884
AIR NEW SOURCE PERMITS	REGISTRATION	79799
AIR NEW SOURCE PERMITS	REGISTRATION	79933
AIR NEW SOURCE PERMITS	REGISTRATION	79947
AIR NEW SOURCE PERMITS	REGISTRATION	80019
AIR NEW SOURCE PERMITS	REGISTRATION	80271
AIR NEW SOURCE PERMITS	REGISTRATION	80340

	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008072134
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30417
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30417

Location: 8600 PARK PLACE BLVD, HOUSTON, TX, 77017 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 20, 2001 to December 21, 2006

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

Name: NHameed Phone: 713-767-3629

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.

N/A 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.

See addendum for information regarding federal actions.

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 04/21/2003 (27289)

N/A

2 03/13/2003 (25806)
3 07/09/2002 (1448)
4 07/21/2003 (114195)
5 05/30/2006 (480219)

6 01/09/2003 (17886)
7 08/28/2006 (488585)
8 01/28/2004 (256991)
9 08/29/2005 (404046)
10 02/28/2006 (457074)
11 08/08/2003 (40801)
12 07/07/2005 (394060)
13 05/31/2006 (480637)
14 05/30/2006 (480237)
15 05/31/2006 (480638)
16 05/30/2006 (480292)
17 05/31/2006 (480639)
18 01/21/2005 (342214)
19 05/30/2006 (480297)
20 05/31/2006 (480640)
21 05/30/2006 (480287)
22 11/11/2004 (289544)
23 05/31/2006 (480641)
24 06/10/2004 (270492)
25 05/30/2006 (480133)
26 05/31/2006 (480642)
27 05/10/2005 (380624)
28 05/31/2006 (480643)
29 10/17/2003 (249451)
30 08/31/2005 (418954)
31 05/31/2006 (480644)
32 05/31/2006 (480645)
33 02/19/2003 (21171)
34 05/31/2006 (480646)
35 05/31/2006 (480530)
36 05/31/2006 (480647)
37 05/31/2006 (480648)
38 05/31/2006 (480649)
39 02/25/2006 (456997)
40 05/30/2006 (471013)
41 04/20/2004 (255875)
42 08/30/2004 (282027)
43 05/31/2006 (480651)
44 05/30/2006 (480300)
45 05/31/2006 (480653)
46 10/18/2004 (336459)
47 04/07/2005 (347336)
48 05/31/2006 (480468)
49 07/09/2003 (98190)
50 08/11/2004 (288425)
51 08/31/2005 (402446)
52 02/10/2004 (255227)
53 05/31/2005 (376325)
54 05/30/2006 (480289)
55 01/05/2005 (345579)
56 05/31/2006 (480654)
57 05/31/2006 (480610)
58 05/31/2006 (480655)
59 04/28/2006 (458466)
60 07/03/2002 (4090)

61	06/06/2005	(378762)
62	08/28/2003	(152866)
63	04/04/2006	(458283)
64	05/31/2006	(480226)
65	05/31/2006	(480656)
66	02/03/2005	(349418)
67	02/23/2006	(455880)
68	03/13/2006	(450068)
69	08/31/2004	(291888)
70	05/31/2006	(480244)
71	05/30/2006	(459802)
72	05/05/2005	(373870)
73	07/26/2004	(277574)
74	04/12/2004	(260974)
75	12/16/2004	(293258)
76	05/31/2006	(480569)
77	03/13/2006	(450024)
78	04/04/2006	(458271)
79	05/30/2006	(480277)
80	07/21/2006	(481873)
81	07/21/2006	(481904)
82	08/28/2006	(488528)
83	07/29/2004	(279114)
84	05/30/2006	(480141)
85	05/31/2006	(480631)
86	01/08/2004	(258394)
87	06/15/2004	(270507)
88	05/30/2006	(480099)
89	08/18/2004	(276597)
90	08/31/2004	(285908)
91	05/31/2006	(480197)
92	05/31/2006	(480263)
93	05/30/2006	(480302)
94	07/03/2002	(2393)
95	06/18/2003	(36257)
96	05/30/2006	(480303)
97	02/10/2004	(256355)
98	05/31/2006	(480425)
99	05/30/2006	(480304)
100	05/31/2006	(480445)
101	05/31/2006	(480455)
102	04/19/2005	(377616)
103	05/30/2006	(480245)
104	08/23/2005	(404475)
105	05/30/2006	(480305)
106	08/26/2003	(149809)
107	08/08/2005	(394042)
108	02/18/2005	(345797)
109	01/17/2003	(17931)
110	05/30/2006	(480306)
111	05/30/2006	(480308)
112	08/28/2006	(488643)
113	04/18/2005	(374447)
114	05/30/2006	(480311)
115	06/27/2002	(1692)
116	08/23/2005	(402060)
117	10/30/2006	(487750)
118	05/30/2006	(480313)
119	02/27/2006	(457159)
120	05/30/2006	(480314)
121	05/30/2006	(480315)
122	08/11/2005	(374658)
123	03/13/2006	(450051)
124	11/11/2004	(292795)

125	10/26/2004	(291758)
126	01/10/2002	(103763)
127	11/22/2004	(339425)
128	08/29/2005	(405738)
129	05/30/2006	(480233)
130	01/15/2004	(255521)
131	02/11/2002	(103764)
132	07/09/2004	(270285)
133	02/19/2002	(103765)
134	10/30/2003	(152888)
135	05/30/2006	(480265)
136	03/07/2002	(103766)
137	05/31/2006	(480246)
138	11/17/2006	(518574)
139	05/31/2006	(480623)
140	05/31/2006	(480242)
141	12/13/2004	(339426)
142	01/02/2004	(254540)
143	05/30/2006	(478963)
144	07/21/2006	(481780)
145	08/26/2005	(401337)
146	03/13/2003	(26455)
147	03/14/2002	(103767)
148	05/31/2006	(480502)
149	03/14/2002	(103768)
150	08/31/2006	(488584)
151	04/17/2002	(103769)
152	08/11/2003	(130767)
153	04/18/2002	(103770)
154	11/18/2003	(249532)
155	04/24/2002	(103771)
156	01/23/2004	(258353)
157	05/06/2002	(103772)
158	05/15/2002	(103773)
159	05/13/2005	(373465)
160	08/24/2005	(402041)
161	05/15/2002	(103774)
162	05/31/2006	(480634)
163	05/22/2002	(103775)
164	11/02/2004	(339528)
165	05/28/2002	(103776)
166	05/30/2006	(480222)
167	06/05/2002	(103777)
168	04/07/2005	(347331)
169	06/06/2002	(103778)
170	08/24/2005	(333418)
171	06/10/2002	(103779)
172	06/12/2002	(103780)
173	06/12/2002	(103781)
174	05/31/2006	(480214)
175	04/04/2006	(461031)
176	05/31/2006	(480635)
177	12/05/2006	(532642)
178	07/15/2003	(114135)
179	05/30/2006	(480200)
180	10/18/2004	(336854)
181	08/11/2004	(288800)
182	07/13/2004	(268259)
183	05/20/2003	(29901)
184	07/30/2004	(278578)
185	01/28/2004	(257009)
186	10/08/2004	(335087)
187	05/31/2006	(480254)
188	05/26/2004	(262402)

189 05/30/2006 (480206)
190 05/31/2006 (480866)
191 09/27/2005 (405860)
192 05/30/2006 (480282)
193 10/19/2004 (335878)
194 07/27/2006 (459885)
195 05/30/2006 (477634)
196 05/31/2006 (480479)
197 10/11/2004 (333747)
198 05/30/2006 (480186)
199 08/08/2006 (462831)

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

N/A

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: 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 IA

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

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: 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 IA

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: 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 IA

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 IA

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 IA

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: 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: 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: 08/26/2005 (401337)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)

Rqmt Prov: PERMIT IA

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 IA

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

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: 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: 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: 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: 03/14/2002 (103766)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

Description: Failure to Comply

Self Report? NO Classification: Moderate

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

Description: Failure to Comply

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP IA

Description: Failure to Comply

Self Report? NO Classification: Moderate

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

Description: Failure to Comply

Self Report? NO Classification: Moderate

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

Description: Failure to Comply

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: 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 IA

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 IA
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 IA
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 IA
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 IA
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 IA
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 IA
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 IA

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 IA

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 IA

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 IA

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 IA

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 IA

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 IA

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 IA

Description: Failure to conduct first attempt repair on a leaking valve in HRVOC service within one day.

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.

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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TEXAS PETROCHEMICALS CORPORATION	CUSTOMER NO.:	CN600130322
REGULATED ENTITY:	TEXAS PETROCHEMICALS HOUSTON FACILITY	REG. ENTITY NO.:	RN100219526
REG. ENTITY ADDRESS:	8600 PARK PL. BLVD.		
REG. ENTITY CITY:	HOUSTON		

Violations

EPA CASE NO.:	06-1999-0166	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20020418	STATUTE: CAA	SECT. OF STATUTE: 111
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 60 CITE SECT.: 49B(A)
CASE RESULT:	Final Order With Penalty	PROGRAM:	New Source Performance Standards
		VIOLATION TYPE:	New Source Performance Standard

EPA CASE NO.:	06-1999-0166	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20020418	STATUTE: CAA	SECT. OF STATUTE: 112
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 60 CITE SECT.: 7(A)(3)
CASE RESULT:	Final Order With Penalty	PROGRAM:	State Implementation Plan (SIP)
		VIOLATION TYPE:	Nat. Emis. Standard - Haz. Air Pollutant

EPA CASE NO.:	06-1999-0166	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20020418	STATUTE: CAA	SECT. OF STATUTE: 110
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 61 CITE SECT.: 145(C)(3)
CASE RESULT:	Final Order With Penalty	PROGRAM:	NESHAPs
		VIOLATION TYPE:	Viol. of a SIP/not otherwise specified

EPA CASE NO.:	06-1999-0166	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20020418	STATUTE:	SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 61 CITE SECT.: 145(C)(4)(IV)
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	Failure to Notify

EPA CASE NO.:	06-1999-0166	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20020418	STATUTE:	SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 61 CITE SECT.: 150(A)(1)(V)
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	Asbestos Requirement Violation

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. 2007-0073-AIR-E

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 presented this agreement to the Commission.

Texas Petrochemicals understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Texas Petrochemicals agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Texas Petrochemicals.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

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. During an investigation on September 21, 2006, TCEQ staff documented:

   a. The unauthorized release of 327.5 pounds (lbs) of 1,3-butadiene from Tank 851 that was being cleaned, resulting in an emissions event which began on September 14, 2006, and lasted for fourteen hours and thirty minutes and caused or contributed to high 1,3-butadiene concentration readings at the CAM-169 Milby Park Station; and

   b. A failure to timely submit the initial notification and the final report for the September 14, 2006 emissions event. The intial notification was due within 24 hours, but was not submitted until October 4, 2006. The final notification was due within 14 days after the end of the event, but was not submitted until October 17, 2006.

4. During an investigation on December 6, 2006, TCEQ staff documented the unauthorized release of 104 lbs of butane, 9,066 lbs of butene, 6 lbs of butylene isomers, 1,560 lbs of isobutane, 910 lbs of isobutylene, 45 lbs of propane, and 87 lbs of propylene from the 4D-4A-OH Line over a period of 3 hours and 22 minutes during an emissions event that occurred on December 1, 2006.

5. During an investigation on December 13, 2006, TCEQ staff documented the unauthorized release of 134.33 lbs of isobutylene and 298.67 lbs of isobutane from a 1" bleeder valve on the 2D-9 feed line from Tank 3 during an emissions event that occurred on October 11, 2006 and lasted 41 minutes.

6. During an investigation on December 14, 2006, TCEQ staff documented the unauthorized release of 0.1 lbs of butadiene, 10.38 lbs of 1,3-butadiene, 30.47 lbs of butane, 44.05 lbs of butene, 0.01 lbs of ethylene, 0.09 lbs of methyl acetylene, 0.07 lbs of pentane, 1.32 lbs of propane, and 0.42 lbs of propylene from a rupture in 4D-70 OH line in the Vinyl Acetylene Unit ("VAU") during an emissions event that occurred on October 18, 2006 and lasted 15 minutes.

7. Texas Petrochemicals received notice of the violations by letters dated December 5, December 21, and January 31, 2007.

II. CONCLUSIONS OF LAW

1. Texas Petrochemicals is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3.a., Texas Petrochemicals failed to prevent unauthorized emissions on September 14, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN CODE § 101.222.

3. As evidenced by Findings of Fact No. 3.b., Texas Petrochemicals failed to submit the initial notification within 24 hours and the final report within two weeks of the end of the September 14, 2006 emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Findings of Fact No. 4, Texas Petrochemicals failed to prevent unauthorized emissions on December 1, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable and determined to be excessive, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN CODE § 101.222.

5. As evidenced by Findings of Fact No. 5, Texas Petrochemicals failed to prevent unauthorized emissions on October 11, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN CODE § 101.222.

6. As evidenced by Findings of Fact No. 6, Texas Petrochemicals failed to prevent unauthorized emissions on October 18, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN CODE § 101.222.

7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Texas Petrochemicals for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

8. An administrative penalty in the amount of Thirty-One Thousand Three Hundred Thirty-Six Dollars ($31,336) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Texas Petrochemicals has paid the Thirty-One Thousand Three Hundred Thirty-Six Dollar ($31,336) administrative penalty.

III. ORDERING PROVISIONS

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

1. Texas Petrochemicals is assessed an administrative penalty in the amount of Thirty-One Thousand Three Hundred Thirty-Six Dollars ($31,336) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Texas Petrochemicals' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action and any other violations arising from the emissions events and reporting obligations described in Section II. However, the Commission shall not be constrained in any manner from requiring

corrective actions or penalties for other violations that 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. 2007-0073-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 undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

i. Implement measures designed to ensure timely reporting of emissions events; and

ii. Implement measures designed to prevent to the extent practicable the recurrence of emissions due to the same causes as that of the October 11 and 18, 2006 and September 14, 2006 emissions events.

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below under Provision No. 2.f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.;

c. Comply with the TCEQ request dated January 31, 2007, for submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred December 1, 2006, in accordance with 30 TEX. ADMIN. CODE § 101.223(a)(1);

d. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;

e. Upon Executive Director approval, implement the CAP in accordance with the approved schedule; and

f. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.c. through 2.e. as described below:

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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my

inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Air Quality Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. 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.

4. 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.

5. 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.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Texas Petrochemicals if the Executive Director determines that Texas Petrochemicals has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.

8. 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.

9. 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.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 2/26/07
For the Executive Director Date

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

I understand that by entering into this Agreed Order, Texas Petrochemicals LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

_____ 2/6/07
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.