

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NUMBER: 2005-0257-AIR-E TCEQ ID NOS: HG0562P AND RN100219526 CASE NO.: 24551
RESPONDENT'S NAME: TEXAS PETROCHEMICALS LP

ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> DRY CLEANER REGISTRATION	

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

TYPE OF OPERATION: Petrochemical manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no previous complaints. There is no record of additional pending enforcement actions regarding this facility.

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 January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. James P. Biggins, Litigation Division, MC R-12, (713) 422-8916; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, MC R-12, (713) 422-8931

TCEQ Regional Contact: Ms. Marsha Hill, Houston Regional Office, MC R-12, (713) 767-3610

Respondent: Mr. Chris Hendrix, Environmental Manager, Texas Petrochemicals LP, 8600 Park Place, Houston, TX 77017

Respondent's Attorney: Mr. David Savage, Baker Botts, L.L.P., 1500 San Jacinto Center, 98 San Jacinto Blvd., Austin, TX 78701

RESPONDENT'S NAME: TEXAS PETROCHEMICALS LP
DOCKET NO.2005-0257-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: August 19 through August 20, 2004 and November 15 through November 23, 2004, February 10, March 21, and July 26, 2005, and March 23, 2006</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: (NOEs) December 16, 2004, January 21, May 18 and 31, August 31, 2005, and April 28, 2006</p> <p>Background Facts: This petrochemical company had various air violations noted during investigations conducted by the City of Houston Bureau of Air Quality Control. The company had unauthorized emissions from its central gland water system and had numerous components in VOC and HRVOC service which were leaking.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <p>(1) Failed to prevent the unauthorized emission of 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, 2004 [30 TEX. ADMIN. CODE § 106.532 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(2) Failed to equip an open-ended valve with a second valve, cap, blind flange, or plug [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(4), and 116.115(c), 40 CFR parts 60.482-6(a)(1) and 63.167(a)(1), Air Permit No. 22052, Special Conditions 2 and 3.E, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(3) Failed to ensure that there were no screwed connections on lines greater than two inches in diameter [Air Permit No. 22052, Special Condition 3.E, and TEX. HEALTH & SAFETY CODE & 382.085(b) and 30 TEX. ADMIN. CODE § 116.115(c)].</p> <p>(4) Failed to make the first attempt to repair 29 components within five days after discovering a leak [30 TEX. ADMIN. CODE §§ 115.782(b)(2) and 115.352(2), 40 CFR part 63.168(f)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(5) Failed to repair 97 components within 15 days after discovering a leak [30 TEX. ADMIN. CODE §§ 115.782(b)(2), 115.352(1)(A), 40 CFR parts 60.482-7(d)(1) and 63.168(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(6) Failed to make the first attempt to repair 18 connections within one day after discovering a leak [30 TEX. ADMIN. CODE §§ 115.782(b)(1) and 115.352(2), 40 CFR part 63.168(f)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$157,959</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$78,979</p> <p>Total Paid to General Revenue: \$78,980 The Respondent has paid \$78,980. The remaining \$78,979 administrative penalty is conditionally offset pending completion of a Supplemental Environmental Project (SEP). The Respondent has paid \$78,980. The SEP will fund the monitoring of volatile organic compounds in the air in Harris County.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification:</p> <p>This is a findings order because the violations demonstrate a gross deviation from a standard of conduct common in a given industry defined as an absence of management practices designed to ensure compliance.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <p>(1) Put a cap on the open ended valve with tag number 614876 during the November 15, 2005 investigation.</p> <p>(2) Installed a blind flange between the flange connectors for tag numbers 645362 and 645360 and the screwed bull plugs on November 30, 2004.</p> <p>(3) Completed all first attempts and final repairs associated with the components referenced in Findings of Fact Nos. 4.c, 4.d, 4.e, and 4.f. (Executive Summary Violations Nos. 4, 5, 6, and 7) on November 3, 2004.</p> <p>(4) Made adjustments to the valves with tag numbers 4060223 and 640065 on February 11, 2005, and re-monitored and determined that they were no longer leaking; and made adjustments to valve with tag number 2200156 on March 23, 2005, and re-monitored and determined that it was no longer leaking.</p> <p>(5) Completed installation of second valves, caps, blind flanges, and/or plugs on open-ended valves with tag numbers 656174, 675875, 703399, 709814, and 4160053 on February 15, 2005.</p> <p>(6) Applied water fog to control vapors, activated emergency response plans, isolated the lines and depressurized the line to the flare immediately upon discovery of the July 23, 2005, emissions event.</p> <p>(7) Repaired a one way valve (EPN 422), as indicated in compliance documentation submitted on August 22, 2005.</p> <p>(8) Completed by May 12, 2006, a retrofit of the existing equipment safety valves with a Bellows kit and installed vent collection piping to an inter-stage cooler and a corresponding discharge relief valve for the gas compressor system. The collection piping is routed to the Plant's vent collection and flare header system.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>(7) Failed to repair 55 components within seven days after discovering a leak [30 TEX. ADMIN. CODE §§ 115.782(b)(1) and 115.352(1)(A), 40 CFR part 63.168(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(8) Failed to seal three open-ended valves with a second valve, cap, blind flange, or plug [30 TEX. ADMIN. CODE §§ 101.20(1), 115.352(4), 115.783(5), 116.814(a), and 122.143(4), 40 CFR part 60.482-6(a)(2), Air Permit No. 46307, Special Condition No. 12.E., Air Permit No. O-01598, Special Condition No. 1.E.(v), and TEX. HEALTH & SAFETY CODE § 382.085(b)]</p> <p>(9) Failed to equip five open-ended valves with a second valve, cap, blind flange, or plug [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(4), 115.783(5), 116.115(b), 116.814(a), and 122.143(4), 40 CFR parts 60.482-6(a)(1) and 63.167(a)(1), Air Permit No. 46307, Special Condition No. 12.E., Air Permit No. O-01598, Special Condition No. 1.E.(v), Air Permit No. 19806, General Provision 7.E., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(10) Failed to obtain authorization for the emissions from the oily water sewer hubs which lead to the API separator [Air Permit No. 46307, Special Condition No. 1 and Maximum Allowable Emission Rates Table, 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(11) Failed to ensure a leak-free connection while loading and/or unloading VOC's into rail car transport vessels [30 TEX. ADMIN. CODE §§ 115.212(a)(3)(B) and 122.143(4), Air Permit No. O-01598, Special Condition 7.B.(i), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(12) Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085 (b)].</p> <p>(13) Failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005 [30 TEX. ADMIN. CODE §§ 101.201(a)(2)(D) and (H) and 101.201(b)(8), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>(14) Failed to prevent unauthorized emissions of 1,290 lbs of VOCs [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 46307, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>Ordering Provisions:</p> <ol style="list-style-type: none"> 1. Within 30 days, the Respondent shall: <ol style="list-style-type: none"> i. Install interlock logic within the Honeywell controller to close the valve 8FC-813 upon loss of flow resulting from a pump trip on water feed pumps 1G-2227/2228 and install a run status indicator on these two pumps to notify the Board Technician of their operating status. ii. Repair the pressure control valve installed on the dock pipeline and confirm that its operation would shut down the pipeline if high pressure is detected in the line. iii. Train responsible personnel on managing and submitting STEERS AEME data, including specific training on reporting of facility common names, authorized emission limits, and preconstruction authorizations. 2. Within 120 days, the Respondent shall equip the loading arms at the Rail Rack for 1,3 butadiene products and crude C4 with the capability to perform a dry disconnect operation to ensure the leak-free transfer of VOCs to or from transport vessels. 3. Within 135 days, the Respondent shall submit written certification demonstrating compliance with Ordering Provisions 1. and 2 above. 4. Texas Petrochemicals LP shall either: <ol style="list-style-type: none"> i. Within 180 days, obtain any authorization for air emissions from the oily water sewer hubs required by 30 Tex. Admin. Code § 116.110(a), or demonstrate to the satisfaction of the Director of the Air Permits Division that any air emissions from the oily water sewer hubs are currently authorized by an authorization listed in 30 TEX. ADMIN. CODE § 116.110(a), or demonstrate that any emissions from the oily water sewer hubs have ceased either through discontinued operation or through the installation and proper maintenance of air pollution control devices, as required by 30 TEX. ADMIN. CODE § 116.110(a); and ii. Within 195 days, submit written certification demonstrating compliance with Ordering Provision 4.i. <p>Or, if public notice of a permit application is required, TPC shall:</p> <ol style="list-style-type: none"> iii. Within 300 days, obtain authorization for air emissions from the oily water sewer hubs required by 30 TEX. ADMIN. CODE § 116.110(a); and iv. Within 315 days, submit written certification demonstrating compliance with Ordering Provision 4.iii. <p>SEP: The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (see SEP Attachment A).</p>

PCW SUMMARY

Texas Petrochemicals LP
2005-0257-AIR-E

<u>Penalty Calculation Worksheet</u>	<u>Number of Violations</u>	<u>Penalty</u>	<u>Compliance History</u>
PCW1	7	\$62,400	CH1
PCW2	4	\$84,870	CH2
PCW3	2	\$5,589	CH3
PCW4	1	\$5,100	CH4
		<u>Total</u>	\$157,959



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 10, 2004

DATES	Assigned	25-Jan-2005	Screening	08-Feb-2005	Priority Due	26-Mar-2005	EPA Due	12-Sep-2005
	PCW	08-Nov-2005						

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Petrochemicals LP
Reg. Ent. Ref. No.	RN100219526
Additional ID No(s).	HG0562P and Air Permit No. 22052
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

PCW 1

CASE INFORMATION			
Enf./Case ID No.	24551	No. of Violations	7
Docket No.	2005-0257-AIR-E	Order Type	Findings
Case Priority	2 (SNC/HPV)	Enf. Coordinator	Rebecca Johnson
Media Program(s)	Air Quality	EC's Team	Enforcement Team 4
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 92% Enhancement **Subtotals 2, 3, & 7**

Notes: Penalty enhancement due to eight NOV's for same or similar violations, one unrelated NOV, one Agreed Order with a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to the respondent's participation in a voluntary pollution reduction program.

Culpability No

Notes: The respondent does not meet the culpability criteria.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with a small x)

Notes: The respondent has not returned to compliance.

Economic Benefit 0% Enhancement* **Subtotal 6**

Total EB Amounts	\$566	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$8,900	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 0% Reduction **Adjustment**

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

Notes: No deferral is recommended since this is not an expedited enforcement action.

PAYABLE PENALTY

Screening Date 08-Feb-2005

settlement\j ec6\Texas Petrochemicals PCW.gpw
Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219526

Additional ID No(s). HG0562P and Air Permit No. 22052

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Site Address 8600 Park Place Boulevard, Houston, Harris County

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)	8	40%
	Other written NOVs	1	2%
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)	0	0%
	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%
Other	<i>Please Enter Yes or No</i>		
	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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 92%

>> 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 eight NOVs for same or similar violations, one unrelated NOV, one Agreed Order with a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to the respondent's participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 92%

Screening Date 08-Feb-2005

Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219526

Additional ID No(s). HG0562P and Air Permit No. 22052

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code § 115.352(4), 40 Code of Federal Regulations §§ 60.482-6(a)(1) and 63.167(a)(1), and Air Permit Number 22052, Special Conditions 2 and 3.E.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b) and 30 Tex. Admin. Code §§ 116.115(c), 101.20(1), and (2)

Violation Description

Failed to equip an open-ended valve with a second valve, cap, blind flange, or plug. Specifically, the valve with tag number 614876, in Highly Reactive Volatile Organic Compound (HRVOC) and Hazardous Air Pollutant (HAP) service, was open-ended and did not have a cap, blind flange, or plug. At the time of the investigation the open-ended valve was monitored and found to be leaking.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 25%
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants, approximately 2 pounds (lbs), which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

	daily	
	monthly	
mark only one	quarterly	X
use a small x	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the November 15, 2004 investigation date to the November 15, 2004 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,800

This violation Final Assessed Penalty (adjusted for limits) \$4,800

Economic Benefit Worksheet

Respondent: Texas Petrochemicals LP
Case ID No.: 24551
Reg. Ent. Reference No.: RN100219526
Additional ID No(s): HG0562P and Air Permit No. 22052
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	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)	\$100	14-Nov-2004	15-Nov-2004	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost for additional oversight to ensure that the cap is on the line when not in use. Date required based on the day before the investigation. Final Date based on the date of the investigation when the violation was documented, and the date the respondent returned to compliance.

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 **TOTAL**

Screening Date 08-Feb-2005 Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219526

Additional ID No(s). HG0562P and Air Permit No. 22052

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number

Primary Rule Cite(s)

Air Permit No. 22052, Special Condition 3.E.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b) and 30 Tex. Admin. Code § 116.115(c)

Violation Description

Failure to ensure there are no screwed connections on lines greater than two inches in diameter. Specifically, during an investigation that began on November 15, 2004 the investigator documented that TPC had installed two screwed bull plugs on four inch flange connectors in HRVOC service with tag numbers 645362 and 645360. At the time of the investigation the bull plug associated to the flange connection with tag number 645360 was monitored and found to be leaking.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants, approximately 20 lbs, which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended based on the November 15, 2004 investigation date to the November 30, 2004 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
 Case ID No. 24551
 Reg. Ent. Reference No. RN100219526
 Additional ID No(s). HG0562P and Air Permit No. 22052
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$500	15-Nov-2004	30-Nov-2004	0.0	\$0	\$1	\$1
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to replace the bull plugs. Date required based on the investigation date. Final date based on the compliance date.

Item	Yrs	Interest Saved	Onetime Costs	EB Amount
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

TOTAL

Screening Date 08-Feb-2005

Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219526

Additional ID No(s). HG0562P and Air Permit No. 22052

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 3

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 115.782(b)(2), 115.352(2), and 40 Code of Federal Regulations § 63.168(f)(2)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to make the first attempt to repair 29 components within five days after discovering a leak. The 29 components are in one or more of the following: HAP service, Volatile Organic Compound (VOC) service, and/or HRVOC service leaking less than 10,000 ppm.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants, approximately 37 lbs, which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended based on April 26, 2004, the earliest date of non-compliance, to September 27, 2004, the latest date of non-compliance. The first attempt to repair tag number 413012801 was due on April 26, 2004, and the first attempt to repair tag number 4020245 was made on September 27, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$9,600

This violation Final Assessed Penalty (adjusted for limits) \$9,600

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Additional ID No(s). HG0562P and Air Permit No. 22052
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,000	26-Apr-2004	27-Sep-2004	0.4	\$1	\$28	\$30
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to make the first attempt to repair leaking components. Date required based on the earliest date of non-compliance. Final date based on the latest date of non-compliance.

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 **TOTAL**

Screening Date 08-Feb-2005

Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219526

Additional ID No(s). HG0562P and Air Permit No. 22052

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 115.782(b)(2), 115.352(1)(A), 40 Code of Federal Regulations §§ 60.482-7(d)(1), and 63.168(f)(1)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to repair 97 components within 15 days after discovering a leak. The 97 components are in one or more of the following: HAP service, VOC service, light liquid service, gas/vapor service, and/or HRVOC service leaking less than 10,000 ppm.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants, approximately 145 lbs, which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Three quarterly events are recommended based on April 12, 2004, the earliest date of non-compliance, to November 3, 2004, the latest date of non-compliance. The final repair for tag number 628595 was due on April 12, 2004, and the final repair for tag number 700546 was made on November 3, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Additional ID No(s): HG0562P and Air Permit No. 22052
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$3,000	12-Apr-2004	03-Nov-2004	0.6	\$6	\$112	\$118
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to repair leaking components. Date required based on the earliest date of non-compliance. Final date based on the latest date of non-compliance.

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 **\$118**

Screening Date 08-Feb-2005

Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219526

Additional ID No(s). HG0562P and Air Permit No. 22052

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.782(b)(1) and 40 Code of Federal Regulations § 63.168(f)(2)

Secondary Rule Cite(s) 30 Tex. Admin. Code § 115.352(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to make the first attempt to repair 18 components within one day after discovering a leak. The 18 components are in HAP service and/or HRVOC service leaking greater than 10,000 ppm.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants, approximately 19.22 lbs, which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input checked="" type="checkbox"/>
use a small x	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended based on April 20, 2004, the earliest date of non-compliance, to September 13, 2004, the latest date of non-compliance. The first attempt to repair tag number 606081 was due on April 20, 2004, and the first attempt to repair tag number 649538 was made on September 13, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Texas Petrochemicals LP
Case ID No.: 24551
Reg. Ent. Reference No.: RN100219526
Additional ID No(s): HG0562P and Air Permit No. 22052
Media [Statute]: Air Quality
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,000	20-Apr-2004	13-Sep-2004	0.4	\$1	\$27	\$28
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to make the first attempt to repair leaking components. Date required based on the earliest date of non-compliance. Final date based on the latest date of non-compliance.

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 \$28

Screening Date 08-Feb-2005

Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219526

Additional ID No(s) HG0562P and Air Permit No. 22052

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.782(b)(1) and 40 Code of Federal Regulations § 63.168(f)(1)

Secondary Rule Cite(s) 30 Tex. Admin. Code § 115.352(1)(A) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to repair 55 components within seven days after discovering a leak. The 55 components are in HAP service and/or HRVOC service leaking greater than 10,000 ppm.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants, approximately 74 lbs, which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended based on April 26, 2004, the earliest date of non-compliance, to September 28, 2004, the latest date of non-compliance. The final repair for tag number 601812 was due on April 26, 2004, and the final repair for tag number 647566 was made on September 28, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Additional ID No(s). HG0562P and Air Permit No. 22052
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$3,000	26-Apr-2004	28-Sep-2004	0.4	\$4	\$85	\$89
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to repair leaking components. Date required based on the earliest date of non-compliance. Final date based on the latest date of non-compliance.

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** **\$89**

Economic Benefit Worksheet

Respondent: Texas Petrochemicals LP
Case ID No.: 24551
Reg. Ent. Reference No.: RN100219526
Additional ID No(s): HG0562P and Air Permit No. 22052
Media [Statute]: Air Quality
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$300	18-Aug-2004	18-Aug-2004	0.0	\$0	\$300	\$300
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: Estimated one time cost to provide additional oversight to prevent the emissions event at the wastewater hub system.

Approx. Cost of Compliance \$300

TOTAL \$300

18. 07/21/2003 (114195)
19. 01/09/2003 (17886)
20. 01/28/2004 (256991)
21. 08/08/2003 (40801)
22. 01/21/2005 (342214)
23. 11/11/2004 (289544)
24. 06/10/2004 (270492)
25. 10/17/2003 (249451)
26. 02/19/2003 (21171)
27. 04/20/2004 (255875)
28. 08/30/2004 (282027)
29. 10/18/2004 (336459)
30. 07/09/2003 (98190)
31. 08/11/2004 (288425)
32. 02/10/2004 (255227)
33. 09/21/2000 (103734)
34. 01/05/2005 (345579)
35. 10/16/2000 (103735)
36. 07/03/2002 (4090)
37. 11/15/2000 (103736)
38. 08/28/2003 (152866)
39. 12/12/2000 (103737)
40. 01/11/2001 (103738)
41. 01/19/2001 (103739)
42. 01/29/2001 (103740)
43. 08/31/2004 (291888)
44. 02/02/2001 (103741)
45. 07/26/2004 (277574)
46. 04/12/2004 (260974)
47. 12/16/2004 (293258)
48. 02/13/2001 (103742)
49. 02/13/2001 (103743)
50. 02/28/2001 (103744)
51. 07/29/2004 (279114)
52. 02/28/2001 (103745)
53. 03/02/2001 (103746)
54. 01/08/2004 (258394)
55. 06/15/2004 (270507)
56. 03/13/2001 (103747)
57. 04/04/2001 (103748)
58. 08/18/2004 (276597)
59. 06/27/2001 (103749)
60. 08/31/2004 (285908)
61. 06/28/2001 (103750)
62. 06/28/2001 (103751)
63. 07/03/2002 (2393)
64. 06/18/2003 (36257)
65. 02/10/2004 (256355)
66. 06/28/2001 (103752)
67. 08/26/2003 (149809)
68. 06/28/2001 (103753)
69. 01/17/2003 (17931)
70. 07/20/2001 (103754)
71. 07/30/2001 (103755)
72. 08/29/2001 (103756)
73. 06/27/2002 (1692)
74. 08/29/2001 (103757)
75. 11/05/2001 (103758)
76. 11/05/2001 (103759)
77. 11/05/2001 (103760)
78. 11/13/2001 (103761)
79. 11/28/2001 (103762)
80. 11/11/2004 (292795)
81. 10/26/2004 (291758)
82. 01/10/2002 (103763)
83. 11/22/2004 (339425)
84. 01/15/2004 (255521)
85. 02/11/2002 (103764)
86. 07/09/2004 (270285)
87. 02/19/2002 (103765)
88. 10/30/2003 (152888)
89. 03/07/2002 (103766)
90. 12/13/2004 (339426)
91. 01/02/2004 (254540)
92. 03/13/2003 (26455)

Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
 Description: Failure to Comply
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
 Description: Failure to Comply
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: Failure to Comply
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: Failure to Comply
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.7[G]
 Description: Failure to Comply
 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: 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: 02/02/2001 (103741)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: Failure to Comply
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: Failure to Comply
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: Failure to Comply
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110[G]
 Description: Failure to Comply
 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 necessary 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: 06/29/2001 (103750)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: DID NOT INCLUDE INFO
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 Description: VISIBLE EMISSIONS
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: UNAUTH EMISSIONS CIVIL
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: NOTIFICATION MAJOR UPS
 Date: 06/20/2003 (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: 09/20/2002
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter 115.112(a)(1)

Description: Failure to no cause, suffer, allow, or permit air contaminants in violation of commission rule during an emissions event.

F. Environmental audits.

N/A

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	12/10/2001
CLEAN TEXAS PROGRAM	PARTNER	12/10/2001

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Memorandum 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

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

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

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	27-Jun-2005	Screening	08-Jul-2005	EPA Due	07-Feb-2006
	PCW	25-Jan-2006				

PCW 2

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

CASE INFORMATION			
Enf./Case ID No.	24551	No. of Violations	4
Docket No.	2005-0257-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 107% Enhancement **Subtotals 2, 3, & 7**

Notes: Penalty enhancement due to eleven NOVs for same or similar violations, one unrelated NOV, one Agreed Order with a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to the respondent's participation in a voluntary pollution reduction program.

Culpability No

Notes: The respondent does not meet the culpability criteria.

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

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with a small x)

Notes: The respondent has not returned to compliance.

Economic Benefit 0% Enhancement* **Subtotal 6**

Total EB Amounts	\$526	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$6,300	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 0% Reduction **Adjustment**

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

Notes: No deferral is recommended since this is not an expedited enforcement action.

PAYABLE PENALTY

Screening Date 08-Jul-2005

settlement\trj\ec6\Texas Petrochemicals 2 PCW-0111-25-06.wb3
Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	11	55%
	Other written NOV's	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 107%

>> 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 eleven NOV's for same or similar violations, one unrelated NOV, one Agreed Order with a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to the respondent's participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 107%

Screening Date 08-Jul-2005

settlement\ec6\Texas Petrochemicals 2 PCW 0111125-06.wb3
Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 115.352(4), 115.783(5), 40 Code of Federal Regulations § 60.482-6(a)(2), Air Permit No. 46307, Special Condition 12.E., and Air Permit No. O-01598, Special Condition 1.E.(v)

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.814(a), 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to seal three open-ended valves with a second valve, cap, blind flange, or plug. Specifically, during the investigations beginning on February 10, 2005 and March 21, 2005 the investigator documented that open-ended valves with the tag numbers 4060223, 640065, and 2200156 were plugged, however they were monitored and found to be leaking.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent <input type="text" value="25%"/>
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				<input type="text"/>

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty \$2,500

One quarterly event is recommended based on the February 10, 2005 investigation date to the March 23, 2005 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$5,175

This violation Final Assessed Penalty (adjusted for limits) \$5,175

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	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)	\$300	10-Feb-2005	23-Mar-2005	0.1	\$2	n/a	\$2

Notes for DELAYED costs: Estimated cost to make equipment adjustments to ensure the open-ended valves are sealed. Date required based on the earliest date non-compliance was documented. Final date based on the compliance date.

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** **\$2**

Settlement: ec6\Texas Petrochemicals 2 PCW 0111:25:06:wb3
 08-Jul-2005
Screening Date 08-Jul-2005
Docket No. 2005-0257-AIR-E
PCW
Respondent Texas Petrochemicals LP
Policy Revision 2 (September 2002)
Case ID No. 24551
PCW Revision May 19, 2005
Reg. Ent. Reference No. RN100219526
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson
Violation Number
Primary Rule Cite(s) 30 Tex. Admin. Code §§ 115.352(4), 115.783(5), 40 Code of Federal Regulations §§ 60.482-6(a)(1), 63.167(a)(1), Air Permit No. 46307, Special Condition 12.E., Air Permit No. O-01598, Special Condition 1.E.(v), and Air Permit No. 19806, General Provision 7.E.
Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (2), 116.814(a), 116.115(b), 122.143(4), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to equip five open-ended valves with a second valve, cap, blind flange, or plug. Specifically, during an investigation that began on February 10, 2005 the investigator documented that valves with tag numbers 656174, 675875, 703399, 709814, and 4160053 were open-ended, but were not determined to be leaking at the time of the investigation.
Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
OR	Release Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes: Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events
 mark only one use a small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

 Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$2,070"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,070"/>	

Economic Benefit Worksheet

Respondent: Texas Petrochemicals LP
 Case ID No: 24551
 Reg. Ent. Reference No: RN100219526
 Media [Statute]: Air Quality
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,000	10-Feb-2005	15-Feb-2005	0.0	\$0	\$1	\$1
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to equip the open-ended valves with a cap, blind flange, plug, or second valve. Date required based on the earliest date non-compliance was documented. Final date based on the compliance date.

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 TOTAL

Screening Date 08-Jul-2005
Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson
Violation Number 3
Primary Rule Cite(s) Air Permit No. 46307, Special Condition No. 1 and Maximum Allowable Emissions Rates Table and 30 Tex. Admin. Code § 116.110(a)
Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.116(a) and 30 Tex. Health and Safety Code § 382.085(b)
Violation Description Failure to obtain authorization for the emissions from the oily water sewer hubs which lead to the API separator. Specifically, during an investigation that began on February 10, 2005 the investigator documented that the oily water sewer hubs were monitored and found to be leaking, however the emissions from the hubs have not been represented in permit applications submitted by Texas Petrochemicals LP.
Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			Percent
		Major	Moderate	Minor	
OR	Actual				
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	Percent
	Falsification	X			

Matrix Notes: 100% of the rule requirements were not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 5

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$12,500

Five monthly events are recommended based on the February 10, 2005 investigation date to the July 8, 2005 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$186	Violation Final Penalty Total \$25,875
This violation Final Assessed Penalty (adjusted for limits) \$25,875	

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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	\$2,000	10-Feb-2005	20-Dec-2006	1.9	\$186	n/a	\$186
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated expense to obtain authorization for the oily water sewer hub emissions. Date required based on the earliest date noncompliance was documented. Final date based on the projected compliance date.

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

TOTAL

Screening Date 08-Jul-2005

settlement\ec6\Texas Petrochemicals 2 PCW 01112506 wb3
Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 4

Primary Rule Cite(s)

30 Tex. Admin. Code § 115.212(a)(3)(B) and Air Permit No.O-01598, Special Condition 7.B.(i)

Secondary Rule Cite(s)

30 Tex. Admin. Code § 122.143(4) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to ensure a leak-free connection while loading and/or unloading volatile organic compounds into rail car transport vessels. Specifically, during an investigation that began on February 10, 2005 the investigator documented that the loading arms were monitored and found to be leaking while loading 1,3 butadiene into tank cars.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent 50%
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	Percent
Matrix Notes						

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

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 5

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$25,000

Five monthly events are recommended based on the February 10, 2005 investigation date to the July 8, 2005 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$338

Violation Final Penalty Total \$51,750

This violation Final Assessed Penalty (adjusted for limits) \$51,750

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$3,000	10-Feb-2005	20-Sep-2006	1.6	\$16	\$322	\$338
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to make modifications to the rail car loading and unloading equipment to prevent leaks. Date required based on the investigation date during which the violation was documented. Final date based on the projected compliance date.

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 \$338

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? Yes - Reorganization
3. If Yes, who is the current owner? Texas Petrochemicals LP
4. If Yes, who was/were the prior owner(s)? Texas Petrochemicals Corporation
5. When did the change(s) in ownership occur? .06/30/2000

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: 5/24/04 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)
Citation: 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)
Citation: 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)
2. 07/20/2000 (103727)
3. 07/20/2000 (103728)
4. 07/28/2000 (103729)
5. 08/14/2000 (103730)
6. 08/21/2000 (103731)
7. 08/24/2000 (103732)
8. 03/13/2003 (25806)
9. 07/09/2002 (1448)
10. 08/30/2000 (103733)
11. 07/21/2003 (114195)

12. 01/09/2003 (17886)
13. 01/28/2004 (256991)
14. 08/08/2003 (40801)
15. 07/07/2005 (394060)
16. 01/21/2005 (342214)
17. 11/11/2004 (289544)
18. 06/10/2004 (270492)
19. 05/10/2005 (380624)
20. 10/17/2003 (249451)
21. 02/19/2003 (21171)
22. 04/20/2004 (255875)
23. 08/30/2004 (282027)
24. 10/18/2004 (336459)
25. 04/07/2005 (347336)
26. 07/09/2003 (98190)
27. 08/11/2004 (288425)
28. 02/10/2004 (255227)
29. 05/31/2005 (376325)
30. 09/21/2000 (103734)
31. 01/05/2005 (345579)
32. 10/16/2000 (103735)
33. 07/03/2002 (4090)
34. 06/06/2005 (378762)
35. 11/15/2000 (103736)
36. 08/28/2003 (152866)
37. 12/12/2000 (103737)
38. 02/03/2005 (349418)
39. 01/11/2001 (103738)
40. 01/19/2001 (103739)
41. 01/29/2001 (103740)
42. 08/31/2004 (291888)
43. 02/02/2001 (103741)
44. 05/05/2005 (373870)
45. 07/26/2004 (277574)
46. 04/12/2004 (260974)
47. 12/16/2004 (293258)
48. 02/13/2001 (103742)
49. 02/13/2001 (103743)
50. 02/28/2001 (103744)
51. 07/29/2004 (279114)
52. 02/28/2001 (103745)
53. 03/02/2001 (103746)
54. 01/08/2004 (258394)
55. 06/15/2004 (270507)
56. 03/13/2001 (103747)
57. 04/04/2001 (103748)
58. 08/18/2004 (276597)
59. 06/27/2001 (103749)
60. 08/31/2004 (285908)
61. 06/28/2001 (103750)
62. 06/28/2001 (103751)
63. 07/03/2002 (2393)
64. 06/18/2003 (36257)
65. 02/10/2004 (256355)
66. 06/28/2001 (103752)
67. 04/19/2005 (377616)
68. 08/26/2003 (149809)
69. 02/18/2005 (345797)
70. 06/28/2001 (103753)
71. 01/17/2003 (17931)
72. 07/20/2001 (103754)
73. 04/18/2005 (374447)
74. 07/30/2001 (103755)
75. 08/29/2001 (103756)
76. 06/27/2002 (1692)
77. 08/29/2001 (103757)
78. 11/05/2001 (103758)
79. 11/05/2001 (103759)
80. 11/05/2001 (103760)
81. 11/13/2001 (103761)
82. 11/28/2001 (103762)
83. 11/11/2004 (292795)
84. 10/26/2004 (291758)
85. 01/10/2002 (103763)

Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.7[G]
Description: Failure to Comply

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: 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: 02/02/2001 (103741)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110[G]
Description: Failure to Comply

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)

Rqmt Prov: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
 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: 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 necessary 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: 02/18/2005 (345797)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
 Description: Failure to prevent volatile organic compounds from being emitted from an uncontrolled process vent.

Date: 06/29/2001 (103750)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: DID NOT INCLUDE INFO

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 Description: VISIBLE EMISSIONS

Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: UNAUTH EMISSIONS CIVIL

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: NOTIFICATION MAJOR UPS

Date: 06/20/2003 (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: 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: 09/20/2002
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter A 115.112(a)(1)
 Description: Failure to cause, suffer, allow, or permit air contaminants in violation of commission rule during an emissions event.

F. Environmental audits.

N/A

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	12/10/2001
CLEAN TEXAS PROGRAM	PARTNER	12/10/2001

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Memorandum 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

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Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	06-Sep-2005	Screening	14-Sep-2005	EPA Due	28-May-2006
	PCW	23-Feb-2006				

EXHIBIT

PCW 3

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

CASE INFORMATION			
Enf./Case ID No.	24551	No. of Violations	2
Docket No.	2005-0257-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,700
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	107% Enhancement	Subtotals 2, 3, & 7	\$2,889
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Notes: Penalty enhancement due to 11 NOVs for same or similar violations, one unrelated NOV, one Agreed Order with a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to the respondent's participation in a voluntary pollution reduction program.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent has not yet achieved compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$136	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$2,250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,589
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$5,589
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,589
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended because this is not an expedited case.

PAYABLE PENALTY	\$5,589
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Screening Date 14-Sep-2005

Docket No. 2005-0297-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

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 (<i>number of NOVs meeting criteria</i>)	11	55%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	<i>Please Enter Yes or No</i>		
	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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 107%

>> **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 NOVs for same or similar violations, one unrelated NOV, one Agreed Order with a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to the respondent's participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 107%

Screening Date 14-Sep-2005

Docket No. 2005-0297-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number

Primary Rule Cite(s)

TCEQ Air Permit No. 46307, Special Condition No. 1

Secondary Rule Cite(s)

30 Tex. Admin. Code § 116.115(c) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005. Since the emissions event was avoidable and inaccurately reported, Texas Petrochemicals LP failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222. See attached table for quantity and type of unauthorized emissions.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Texas Petrochemicals LP
Case ID No.: 24551
Reg. Ent. Reference No.: RN100219526
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	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)	\$2,000	23-Jul-2005	03-Jun-2006	0.9	\$6	\$115	\$121
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to failure of a valve gasket. Date required is the date the emissions event began. Final date is projected date of compliance.

Item	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

TOTAL

Screening Date 14-Sep-2005

Docket No. 2005-0297-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(2)(D) and (H) and 101.201(b)(8)

Secondary Rule Cite(s) 30 Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005. Specifically, the initial notification did not identify the facility common name or the authorized emissions limit, and the final record did not identify the authorized emissions limit.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	Percent
OR	Actual				
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
					X	Percent 1%

Matrix Notes

At least 70% of the rule requirements were met. The initial notification failed to meet 2 of 10 requirements and the final record failed to meet 1 of 12 requirements.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$200

Two single events are recommended (one for the incomplete initial notification and one for the incomplete final record).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$414

This violation Final Assessed Penalty (adjusted for limits) \$414

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 24551
Reg. Ent. Reference No. RN100219526
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	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)	\$250	23-Jul-2005	03-Jun-2006	0.9	\$1	\$14	\$15
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost of personnel time to review the initial notification and final record to ensure they contain all the required elements. Date required is the date the initial report was submitted. Final date is the projected date of compliance.

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

TOTAL

Unauthorized Emissions Violation Table

Respondent	Texas Petrochemicals LP
ID Number(s)	RN100219526
Docket Number	2005-0257-AIR-E
Enf. Coordinator	Kimberly Morales

Corresponds to Violation Number: 1

Date of Unauthorized Emissions: July 23, 2005

Emission Point Number (EPN)	Permit Number	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EPN 422	46307	0.00 lbs/hr	Propane	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Isobutane	2 hours and 20 minutes	12.98 lbs	12.98 lbs
EPN 422	46307	0.00 lbs/hr	Butane	2 hours and 20 minutes	25.96 lbs	25.96 lbs
EPN 422	46307	0.00 lbs/hr	Butene-1	2 hours and 20 minutes	149.27 lbs	149.27 lbs
EPN 422	46307	0.00 lbs/hr	Isobutylene	2 hours and 20 minutes	77.88 lbs	77.88 lbs
EPN 422	46307	0.00 lbs/hr	1,3-Butadiene	2 hours and 20 minutes	395.89 lbs	395.89 lbs
EPN 422	46307	0.00 lbs/hr	Butadiene	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Methyl Acetylene	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Ethyl Acetylene	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Vinyl Acetylene	2 hours and 20 minutes	6.49 lbs	6.49 lbs

Name:
pounds per hour
pounds

Abbreviaion:
lbs/hr
lbs

Compliance History

Customer/Respondent/Owner-Operator:	CN600130322 Texas Petrochemicals LP	Classification: AVERAGE	Rating: 1.740
Regulated Entity:	RN100219526 TEXAS PETROCHEMICALS HOUSTON FACILITY	Classification: AVERAGE	Site Rating: 4.36

ID Number(s):	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30417
	AIR OPERATING PERMITS	(SWR) PERMIT	1598
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION #	30417
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	(SWR) EPA ID	TXD008072134
	AIR NEW SOURCE PERMITS	REGISTRATION	70703
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX999
	AIR NEW SOURCE PERMITS	AFS NUM	0031
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P
	AIR NEW SOURCE PERMITS	PERMIT	49829
	AIR NEW SOURCE PERMITS	PERMIT	48550
	AIR NEW SOURCE PERMITS	PERMIT	47393
	AIR NEW SOURCE PERMITS	PERMIT	47147
	AIR NEW SOURCE PERMITS	PERMIT	46456
	AIR NEW SOURCE PERMITS	PERMIT	46426
	AIR NEW SOURCE PERMITS	PERMIT	46307
	AIR NEW SOURCE PERMITS	PERMIT	44927
	AIR NEW SOURCE PERMITS	PERMIT	44686
	AIR NEW SOURCE PERMITS	PERMIT	44488
	AIR NEW SOURCE PERMITS	PERMIT	44268
	AIR NEW SOURCE PERMITS	PERMIT	43536
	AIR NEW SOURCE PERMITS	PERMIT	43252
	AIR NEW SOURCE PERMITS	PERMIT	40807
	AIR NEW SOURCE PERMITS	PERMIT	37317
	AIR NEW SOURCE PERMITS	PERMIT	32431
	AIR NEW SOURCE PERMITS	PERMIT	28410
	AIR NEW SOURCE PERMITS	PERMIT	24187
	AIR NEW SOURCE PERMITS	PERMIT	22052
	AIR NEW SOURCE PERMITS	PERMIT	19806
	AIR NEW SOURCE PERMITS	PERMIT	16351
	AIR NEW SOURCE PERMITS	PERMIT	15606
	AIR NEW SOURCE PERMITS	PERMIT	13806A
	AIR NEW SOURCE PERMITS	PERMIT	13805A
	AIR NEW SOURCE PERMITS	PERMIT	11801A
	AIR NEW SOURCE PERMITS	PERMIT	11801
	AIR NEW SOURCE PERMITS	PERMIT	11427A
	AIR NEW SOURCE PERMITS	PERMIT	10840A
	AIR NEW SOURCE PERMITS	PERMIT	10675A
	AIR NEW SOURCE PERMITS	PERMIT	10352A
	AIR NEW SOURCE PERMITS	PERMIT	10323A
	AIR NEW SOURCE PERMITS	PERMIT	10296
	AIR NEW SOURCE PERMITS	PERMIT	6802A
	AIR NEW SOURCE PERMITS	PERMIT	4238A
	AIR NEW SOURCE PERMITS	PERMIT	4136
	AIR NEW SOURCE PERMITS	PERMIT	1766
	AIR NEW SOURCE PERMITS	PERMIT	1341A
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX999
	AIR NEW SOURCE PERMITS	PERMIT	50761
	AIR NEW SOURCE PERMITS	PERMIT	P999
	AIR NEW SOURCE PERMITS	REGISTRATION	71687
	AIR NEW SOURCE PERMITS	REGISTRATION	71443

Location:	8600 PARK PLACE BLVD, HOUSTON, TX, 77017	Rating Date: 9/1/05 Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON	
Date Compliance History Prepared:	September 14, 2005	
Agency Decision Requiring Compliance History:	Enforcement	
Compliance Period:	September 14, 2000 to September 14, 2005	

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

Name:

Kimberly Morales Phone: (713) 422-8938

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: 5/24/04

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)

Citation: 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)

Citation: 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)
- 2 03/13/2003 (25806)
- 3 07/09/2002 (1448)
- 4 07/21/2003 (114195)
- 5 01/09/2003 (17886)
- 6 01/28/2004 (256991)
- 7 08/29/2005 (404046)
- 8 08/08/2003 (40801)
- 9 07/07/2005 (394060)

10	01/21/2005	(342214)
11	11/11/2004	(289544)
12	06/10/2004	(270492)
13	05/10/2005	(380624)
14	10/17/2003	(249451)
15	08/31/2005	(418954)
16	02/19/2003	(21171)
17	04/20/2004	(255875)
18	08/30/2004	(282027)
19	10/18/2004	(336459)
20	04/07/2005	(347336)
21	07/09/2003	(98190)
22	08/11/2004	(288425)
23	08/31/2005	(402446)
24	02/10/2004	(255227)
25	05/31/2005	(376325)
26	09/21/2000	(103734)
27	01/05/2005	(345579)
28	10/16/2000	(103735)
29	07/03/2002	(4090)
30	06/06/2005	(378762)
31	11/15/2000	(103736)
32	08/28/2003	(152866)
33	12/12/2000	(103737)
34	02/03/2005	(349418)
35	01/11/2001	(103738)
36	01/19/2001	(103739)
37	01/29/2001	(103740)
38	08/31/2004	(291888)
39	02/02/2001	(103741)
40	05/05/2005	(373870)
41	07/26/2004	(277574)
42	04/12/2004	(260974)
43	12/16/2004	(293258)
44	02/13/2001	(103742)
45	02/13/2001	(103743)
46	02/28/2001	(103744)
47	07/29/2004	(279114)
48	02/28/2001	(103745)
49	03/02/2001	(103746)
50	01/08/2004	(258394)
51	06/15/2004	(270507)
52	03/13/2001	(103747)
53	04/04/2001	(103748)
54	08/18/2004	(276597)
55	06/27/2001	(103749)
56	08/31/2004	(285908)
57	06/28/2001	(103750)
58	06/28/2001	(103751)
59	07/03/2002	(2393)
60	06/18/2003	(36257)
61	02/10/2004	(256355)
62	06/28/2001	(103752)
63	04/19/2005	(377616)
64	08/23/2005	(404475)
65	08/26/2003	(149809)
66	08/08/2005	(394042)
67	02/18/2005	(345797)
68	06/28/2001	(103753)
69	01/17/2003	(17931)
70	07/20/2001	(103754)
71	04/18/2005	(374447)
72	07/30/2001	(103755)
73	08/29/2001	(103756)
74	06/27/2002	(1692)
75	08/23/2005	(402060)
76	08/29/2001	(103757)
77	11/05/2001	(103758)
78	11/05/2001	(103759)
79	11/05/2001	(103760)
80	08/11/2005	(374658)
81	11/13/2001	(103761)
82	11/28/2001	(103762)
83	11/11/2004	(292795)
84	10/26/2004	(291758)

Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.2[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.7[G]
Description: Failure to Comply

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: 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: 02/02/2001 (103741)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: Failure to Comply
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110[G]
Description: Failure to Comply

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: 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 necessary 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: 06/29/2001 (103750)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]

Description: DID NOT INCLUDE INFO

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: VISIBLE EMISSIONS

Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: UNAUTH EMISSIONS CIVIL

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]

Description: NOTIFICATION MAJOR UPS

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: 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: 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.

N/A

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	12/10/2001
CLEAN TEXAS PROGRAM	PARTNER	12/10/2001

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Memorandum 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

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

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

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

DATES	Assigned	01-May-2006	Screening	03-May-2006	EPA Due	23-Jan-2007
	PCW	23-Aug-2006				

PCW 4

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

CASE INFORMATION			
Enf./Case ID No.	24551	No. of Violations	1
Docket No.	2005-0257-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500												
ADJUSTMENTS (+/-) TO SUBTOTAL 1														
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>														
Compliance History	114% Enhancement	Subtotals 2, 3, & 7												
Notes	Penalty enhancement due to ten NOVs for same or similar violations, seven unrelated violations, one Agreed Order containing a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to participation in a voluntary pollution reduction program.													
Culpability	No	Subtotal 4												
Notes	The Respondent does not meet the culpability criteria.													
Good Faith Effort to Comply	10% Reduction	Subtotal 5												
	<table border="1" style="font-size: 8px;"> <tr> <td></td> <td>Before NOV</td> <td>NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td align="center">x</td> </tr> <tr> <td>N/A</td> <td></td> <td align="center"><i>(mark with a small x)</i></td> </tr> </table>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary			Ordinary		x	N/A		<i>(mark with a small x)</i>	
	Before NOV	NOV to EDRP/Settlement Offer												
Extraordinary														
Ordinary		x												
N/A		<i>(mark with a small x)</i>												
Notes	The Respondent completed corrective actions on May 12, 2006.													
Economic Benefit	0% Enhancement*	Subtotal 6												
	<table border="1" style="font-size: 8px;"> <tr> <td>Total EB Amounts</td> <td align="right">\$6</td> </tr> <tr> <td>Approx. Cost of Compliance</td> <td align="right">\$300</td> </tr> </table>	Total EB Amounts	\$6	Approx. Cost of Compliance	\$300	\$0								
Total EB Amounts	\$6													
Approx. Cost of Compliance	\$300													
	<small>*Capped at the Total EB \$ Amount</small>													
SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,100												
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0												
Notes	<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>													
	Final Penalty Amount	\$5,100												
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,100												
DEFERRAL	0% Reduction	Adjustment												
Notes	<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>													
	No deferral is recommended since this is not an expedited enforcement action.													
PAYABLE PENALTY		\$5,100												

Screening Date 03-May-2006

Docket No. 2005-0257-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 24551

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

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)	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)	0	0%
	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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 114%

>> 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 ten NOVs for same or similar violations, seven unrelated violations, one Agreed Order containing a denial of liability, and one Consent Decree issued by the federal government without a denial of liability. Penalty reduction due to participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 114%

Screening Date 03-May-2006	Docket No. 2005-0257-AIR-E	PCW		
Respondent Texas Petrochemicals LP	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 24551	<i>PCW Revision April 25, 2006</i>			
Reg. Ent. Reference No. RN100219526				
Media [Statute] Air Quality				
Enf. Coordinator Rebecca Johnson				
Violation Number <input type="text" value="1"/>				
Primary Rule Cite(s)	TCEQ Air Permit No. 46307, Special Condition No. 1			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions of 1,290 lbs of Volatile Organic Compounds (VOCs), specifically, 352 lbs of 1,3-Butadiene, 87 lbs of Butane, 192 lbs of Butene, 117 lbs of Butylene Isomers, 16 lbs of Ethane, 244 lbs of Isobutane, 27 lbs of Isobutylene, 20 lbs of Methyl Acetylene, 32 lbs of Pentane, 90 lbs of Propane, and 113 lbs of Propylene during an emissions event that lasted 5 minutes on January 23, 2006 at the Butadiene Manufacturing Unit 3D-79 Column. Since the emissions event was avoidable, TPC failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="25%"/>	
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
			Percent <input type="text"/>	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment			<input type="text" value="-\$7,500"/>	
Base Penalty Subtotal			<input type="text" value="\$2,500"/>	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="1"/>		
<i>mark only one use a small x</i>	daily	Violation Base Penalty <input type="text" value="\$2,500"/>		
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	<input checked="" type="checkbox"/>		
One single event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$6"/>		Violation Final Penalty Total <input type="text" value="\$5,100"/>		
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$5,100"/>		

settlement\case2\pcw\TPC-PCW\wb3
Economic Benefit Worksheet

Respondent: Texas Petrochemicals LP
Case ID No.: 24551
Reg. Ent. Reference No.: RN100219526
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	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)	\$300	23-Jan-2006	12-May-2006	0.3	\$0	\$6	\$6
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the same cause as the January 23, 2006 emissions event. Date required based on the emissions event. Final date based on the compliance date.

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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600130322 Texas Petrochemicals LP Classification: AVERAGE Rating: 1.51
 Regulated Entity: RN100219526 TEXAS PETROCHEMICALS HOUSTON FACILITY Classification: AVERAGE Site Rating: 4.36

ID Number(s):	ACCOUNT NUMBER	HG0562P
AIR OPERATING PERMITS	PERMIT	1598
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	6802A
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	48252
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	PSD TX999
AIR NEW SOURCE PERMITS	REGISTRATION	70703
AIR NEW SOURCE PERMITS	REGISTRATION	71443
AIR NEW SOURCE PERMITS	REGISTRATION	71887
AIR NEW SOURCE PERMITS	PERMIT	P999
AIR NEW SOURCE PERMITS	PERMIT	50761
AIR NEW SOURCE PERMITS	EPA ID	PSD TX999
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
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: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 01, 2008

Agency Decision Requiring Compliance History: Enforcement

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

Name: Scott Barnett Phone: 713-767-3523

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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.		

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. (CEDS Inv. Track. No.)

- | | | |
|----|------------|----------|
| 1 | 04/21/2003 | (27289) |
| 2 | 03/13/2003 | (25806) |
| 3 | 07/09/2002 | (1448) |
| 4 | 07/21/2003 | (114195) |
| 5 | 01/09/2003 | (17886) |
| 6 | 01/28/2004 | (256991) |
| 7 | 08/29/2005 | (404046) |
| 8 | 02/28/2006 | (457074) |
| 9 | 08/08/2003 | (40801) |
| 10 | 07/07/2005 | (394060) |
| 11 | 01/21/2005 | (342214) |

13	06/10/2004	(270492)
14	05/10/2005	(380624)
15	10/17/2003	(249451)
16	08/31/2005	(418954)
17	02/19/2003	(21171)
18	02/25/2006	(456997)
19	04/20/2004	(255875)
20	08/30/2004	(282027)
21	10/18/2004	(336459)
22	04/07/2005	(347336)
23	07/09/2003	(98190)
24	08/11/2004	(288425)
25	08/31/2005	(402446)
26	02/10/2004	(255227)
27	05/31/2005	(376325)
28	01/05/2005	(345579)
29	04/28/2006	(458466)
30	07/03/2002	(4090)
31	06/06/2005	(378762)
32	08/28/2003	(152866)
33	04/04/2006	(458283)
34	02/03/2005	(349418)
35	02/23/2006	(455880)
36	03/13/2006	(450068)
37	08/31/2004	(291888)
38	05/05/2005	(373870)
39	07/26/2004	(277574)
40	04/12/2004	(260974)
41	12/16/2004	(293258)
42	03/13/2006	(450024)
43	04/04/2006	(458271)
44	07/29/2004	(279114)
45	01/08/2004	(258394)
46	06/15/2004	(270507)
47	08/18/2004	(276597)
48	06/27/2001	(103749)
49	08/31/2004	(285908)
50	06/28/2001	(103750)
51	06/28/2001	(103751)
52	07/03/2002	(2393)
53	06/18/2003	(36257)
54	02/10/2004	(256355)
55	06/28/2001	(103752)
56	04/19/2005	(377616)
57	08/23/2005	(404475)
58	08/26/2003	(149809)
59	08/08/2005	(394042)
60	02/18/2005	(345797)
61	06/28/2001	(103753)
62	01/17/2003	(17931)
63	07/20/2001	(103754)
64	04/18/2005	(374447)
65	07/30/2001	(103755)
66	08/29/2001	(103756)
67	06/27/2002	(1692)
68	08/23/2005	(402060)

69	08/29/2001	(103757)
70	11/05/2001	(103758)
71	02/27/2006	(457159)
72	11/05/2001	(103759)
73	11/05/2001	(103760)
74	08/11/2005	(374658)
75	11/13/2001	(103761)
76	11/28/2001	(103762)
77	03/13/2006	(450051)
78	11/11/2004	(292795)
79	10/26/2004	(291758)
80	01/10/2002	(103763)
81	11/22/2004	(339425)
82	08/29/2005	(405738)
83	01/15/2004	(255521)
84	02/11/2002	(103764)
85	07/09/2004	(270285)
86	02/19/2002	(103765)
87	10/30/2003	(152888)
88	03/07/2002	(103766)
89	12/13/2004	(339426)
90	01/02/2004	(254540)
91	08/26/2005	(401337)
92	03/13/2003	(26455)
93	03/14/2002	(103767)
94	03/14/2002	(103768)
95	04/17/2002	(103769)
96	08/11/2003	(130767)
97	04/18/2002	(103770)
98	11/18/2003	(249532)
99	04/24/2002	(103771)
100	01/23/2004	(258353)
101	05/06/2002	(103772)
102	05/15/2002	(103773)
103	05/13/2005	(373465)
104	08/24/2005	(402041)
105	05/15/2002	(103774)
106	05/22/2002	(103775)
107	11/02/2004	(339528)
108	05/28/2002	(103776)
109	06/05/2002	(103777)
110	04/07/2005	(347331)
111	06/06/2002	(103778)
112	08/24/2005	(333418)
113	06/10/2002	(103779)
114	06/12/2002	(103780)
115	06/12/2002	(103781)
116	04/04/2006	(461031)
117	07/15/2003	(114135)
118	10/18/2004	(336854)
119	08/11/2004	(288800)
120	07/13/2004	(268259)
121	05/20/2003	(29901)
122	07/30/2004	(278578)
123	01/28/2004	(257009)
124	10/08/2004	(335087)

125 05/26/2004 (262402)
126 09/27/2005 (405860)
127 10/19/2004 (335878)
128 10/11/2004 (333747)

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

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: 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

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 necessary 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)(f)

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: 06/29/2001 (103750)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]

Description: DID NOT INCLUDE INFO

Date: 06/29/2001 (103751)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: VISIBLE EMISSIONS

Date: 06/29/2001 (103752)

Self Report? NO

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: UNAUTH EMISSIONS CIVIL

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: 06/29/2001 (103753)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]

Description: NOTIFICATION MAJOR UPS

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)

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: 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.
 N/A

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	12/10/2001
CLEAN TEXAS PROGRAM	PARTNER	12/10/2001

J. Early compliance.
 N/A

Sites Outside of Texas
 N/A

**Memorandum 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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<p>IN THE MATTER OF AN</p> <p>ENFORCEMENT ACTION</p> <p>CONCERNING</p> <p>TEXAS PETROCHEMICALS LP</p> <p>TCEQ AIR NO. HG0562P; RN100219526</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>BEFORE THE</p> <p>TEXAS COMMISSION ON</p> <p>ENVIRONMENTAL QUALITY</p>
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AGREED ORDER
DOCKET NO. 2005-0257-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Petrochemicals LP ("TPC") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and TPC presented this agreement to the Commission.

TPC 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, TPC agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 TPC.

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

FINDINGS OF FACT

1. TPC owns and operates a petrochemical manufacturing plant located at 8600 Park Place Boulevard, 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 conducted from August 19 through August 20, 2004, a City of Houston, Bureau of Air Quality Control (“BAQC”) investigator documented that TPC failed to prevent the unauthorized emission of 1,366 pounds (“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, 2004. The emissions event was caused by a bad check valve at the water feed pumps (1G-2227/2228) and was reasonably preventable, therefore, the emissions event did not meet the demonstration criteria of an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

4. During an investigation conducted from November 15 through November 23, 2004, a City of Houston, BAQC investigator documented that TPC:

a. Failed to equip an open-ended valve with a second valve, cap, blind flange, or plug. Specifically, the valve with tag number 614876, in Highly Reactive Volatile Organic Compound (“HRVOC”) and Hazardous Air Pollutant (“HAP”) service was open-ended and did not have a second cap, blind flange, or plug. At the time of the investigation, the open-ended valve was monitored and found to be leaking;

b. Failed to ensure there are no screwed connections on lines greater than two inches in diameter. Specifically, the investigator documented that TPC had installed two screwed bull plugs on four inch flange connectors in HRVOC service with tag numbers 645362 and 645360. At the time of the investigation, the bull plug associated with the flange connection with tag number 645360 was monitored and found to be leaking;

c. Failed to make the first attempt to repair 29 components within five days after discovering a leak. The 29 components are in one or more of the following services: HAP service, Volatile Organic Compound (“VOC”) service, and/or HRVOC service leaking less than 10,000 parts per million (“ppm”). The components are:

600129.1	601299.1	619273	662987	601261.1	603070.2
626613.4	413012801	601290.1	605452.3	648770	617674
655837	606674	2160151	4220031	613026	4020245
700145	4050307.2	2020453-1001.1	638249	648861	4171489
616474	645342	1320316	2010164	2010167	

d. Failed to repair 97 components within 15 days after discovering a leak. The 97 components are in one or more of the following services: HAP service, VOC service, light liquid service, gas/vapor service, and/or HRVOC service leaking less than 10,000 ppm. The components are:

413012801	2170495	4120113	2120534	2120536	2120631
2120636	2120637	2160151	600129.1	601261.1	608639
609144	616580.1	619273	628593.1	628595	628596
629405	647566	648770	662987	700555.2	1080099
1080218	1510247.1	2090023	2120527	700128	700546
700610	701511	701702	702952	1040128	1080294
1080345	1100064	1160034	1360044	2020551	2020597
2060082	2060329	2120105	2120638	2160064	2160235
2170493	4020245	4060432	4120146	4120292	4220031
656680	670107	670788	675619	700117	634442
637621	639972	639987	648881	622974	626821
628597	629463	607532.1	613026	617382.2	622178
622181	603201	603201.1	606697.1	607244	607525
601261	602636	602682.1	603070.1	603070.2	616474
675965	2020555	620237	1340130	4130589	638249
1340301	4170659	701196	4190024	645217	629928
419005					

e. Failed to make the first attempt to repair 18 components within one day after discovering a leak. The 18 components are in HAP service and/or HRVOC service leaking greater than 10,000 ppm. The components are:

600090	606081	649538	413012801	600129.1	601261.1
601290.1	601299.1	603070.2	605452.3	617674	619273
626613.4	662987	4171489	648770	648861	655837

f. Failed to repair 55 components within seven days after discovering a leak. The 55 components are in HAP service and/or HRVOC service leaking greater than 10,000 ppm. The components are:

608634	617674	625124	626613.4	637908.2	605452.3
606681.1	608167	1080035	4171285	4060017	4171489
4100063.3	601299.1	4130283	4170516	604485	601812
648861	641667	649721.1	650079	663496	663823
661511	700401	700439	708249	1510247.1	413012801
600129.1	601261.1	601290.1	603070.2	608639	609144
619273	628595	628596	629405	647566	662987
700555.2	1080099	1080218	2120527	2120534	2120536
2120631	2120636	2120637	4120113	629928	645217
648770					

5. During an investigation conducted from February 10 through February 15, 2005, and a follow-up investigation conducted from March 21 through March 24, 2005, a City of Houston, BAQC investigator documented that TPC:
 - a. Failed to seal three open-ended valves with a second valve, cap, blind flange, or plug. Specifically, the investigator documented that open-ended valves with tag numbers 4060223, 640065, and 2200156 were plugged, however they were monitored and found to be leaking;
 - b. Failed to equip five open-ended valves with a second valve, cap, blind flange, or plug. Specifically, the investigator documented that valves with tag numbers 656174, 675875, 703399, 709814, and 4160053 were open-ended, but not determined to be leaking at the time of the investigations;
 - c. Failed to obtain authorization for the emissions from the oily water sewer hubs which lead to the API separator. Specifically, the investigator documented that the oily water sewer hubs were monitored and found to be leaking, however, the emissions from the hubs have not been represented in permit applications submitted by TPC; and
 - d. Failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels. Specifically, the investigator documented that the loading arms were monitored and found to be leaking while loading 1,3 butadiene into tank cars.

6. During an investigation conducted on July 26, 2005, a City of Houston, BAQC investigator documented that TPC:
 - a. Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005. Specifically the investigator documented that the emissions shown below in Table 1 were released and were reasonably preventable, therefore, the emissions event did not meet the demonstration criteria of an affirmative defense under 30 TEX. ADMIN. CODE § 101.222; and

TABLE 1

Emission Point Number (EPN)	Permit Number	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EPN 422	46307	0.00 lbs/hr	Propane	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Isobutane	2 hours and 20 minutes	12.98 lbs	12.98 lbs
EPN 422	46307	0.00 lbs/hr	Butane	2 hours and 20 minutes	25.96 lbs	25.96 lbs
EPN 422	46307	0.00 lbs/hr	Butene-1	2 hours and 20 minutes	149.27 lbs	149.27 lbs
EPN 422	46307	0.00 lbs/hr	Isobutylene	2 hours and 20 minutes	77.88 lbs	77.88 lbs
EPN 422	46307	0.00 lbs/hr	1,3-Butadiene	2 hours and 20 minutes	395.89 lbs	395.89 lbs
EPN 422	46307	0.00 lbs/hr	Butadiene	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Methyl Acetylene	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Ethyl Acetylene	2 hours and 20 minutes	6.49 lbs	6.49 lbs
EPN 422	46307	0.00 lbs/hr	Vinyl Acetylene	2 hours and 20 minutes	6.49 lbs	6.49 lbs

- b. Failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005. The investigator documented that the initial notification did not identify the facility common name or the authorized emissions limit, and the final record did not identify the authorized emissions limit.
7. During an investigation conducted on March 23, 2006, a TCEQ Houston regional office investigator documented that TPC failed to prevent unauthorized emissions of 1,290 lbs of VOCs. The investigator specifically documented that 352 lbs of 1,3-butadiene, 87 lbs of butane, 192 lbs of butene, 117 lbs of butylene isomers, 16 lbs of ethane, 244 lbs of isobutane, 27 lbs of isobutylene, 20 lbs of methyl acetylene, 32 lbs of pentane, 90 lbs of propane, and 113 lbs of propylene were released during an emissions event that lasted 5 minutes on January 23, 2006 at the Butadiene Manufacturing Unit 3D-79 Column.

8. TPC received notice of some or all of the violations on or about January 21, 2005, March 22, 2005, May 18, 2005, June 3, 2005, September 5, 2005, and May 3, 2006.
9. The Executive Director recognizes that TPC has implemented the following corrective measures at the Plant in response to this enforcement action:
 - a. Put a cap on the open ended valve with tag number 614876 during the November 15, 2005 investigation;
 - b. Installed a blind flange between the flange connectors for tag numbers 645362 and 645360 and the screwed bull plugs on November 30, 2004;
 - c. Completed all first attempts and final repairs associated with the components referenced in Findings of Fact Nos. 4.c., 4.d., 4.e., and 4.f. on November 3, 2004;
 - d. Made adjustments to the valves with tag numbers 4060223 and 640065 on February 11, 2005, and re-monitored and determine that they were no longer leaking; and made adjustments to valve with tag number 2200156 on March 23, 2005, and re-monitored and determined that it was no longer leaking;
 - e. Completed installation of second valves, caps, blind flanges, and/or plugs on open-ended valves with tag numbers 656174, 675875, 703399, 709814, and 4160053 on February 15, 2005;
 - f. Applied water fog to control vapors, activated emergency response plans, isolated the lines and depressurized the line to the flare immediately upon discovery of the July 23, 2005, emissions event;
 - g. Repaired a one way valve (EPN 422), as indicated in compliance documentation submitted on August 22, 2005; and
 - h. Completed by May 12, 2006, a retrofit of the existing equipment safety valves with a Bellows kit and installed vent collection piping to an inter-stage cooler and a corresponding discharge relief valve for the gas compressor system. The collection piping is routed to the Plant's vent collection and flare header system.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, TPC is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE § 382.011, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3., TPC failed to prevent the unauthorized emission of 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, 2004, in violation of 30 TEX. ADMIN. CODE § 106.532 and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 4.a., TPC failed to equip an open-ended valve with a second valve, cap, blind flange, or plug, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(4), and 116.115(c), 40 CFR parts 60.482-6(a)(1) and 63.167(a)(1), Air Permit No. 22052, Special Conditions 2 and 3.E, and TEX. HEALTH & SAFETY CODE § 382.085(b),
4. As evidenced by Finding of Fact No. 4.b., TPC failed to ensure that there were no screwed connections on lines greater than two inches in diameter, in violation of Air Permit No. 22052, Special Condition 3.E., TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 116.115(c).
5. As evidenced by Finding of Fact No. 4.c., TPC failed to make the first attempt to repair 29 components within five days after discovering a leak, in violation of 30 TEX. ADMIN. CODE §§ 115.782(b)(2) and 115.352(2), 40 CFR part 63.168(f)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 4.d., TPC failed to repair 97 components within 15 days after discovering a leak, in violation of 30 TEX. ADMIN. CODE §§ 115.782(b)(2), 115.352(1)(A), 40 CFR parts 60.482-7(d)(1) and 63.168(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 4.e., TPC failed to make the first attempt to repair 18 connections within one day after discovering a leak, in violation of 30 TEX. ADMIN. CODE §§ 115.782(b)(1) and 115.352(2), 40 CFR part 63.168(f)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Finding of Fact No. 4.f., TPC failed to repair 55 components within seven days after discovering a leak, in violation of 30 TEX. ADMIN. CODE §§ 115.782(b)(1) and 115.352(1)(A), 40 CFR part 63.168(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b).
9. As evidenced by Finding of Fact No. 5.a., TPC failed to seal three open-ended valves with a second valve, cap, blind flange, or plug, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.352(4), 115.783(5), 116.814(a), and 122.143(4), 40 CFR part 60.482-6(a)(2), Air Permit No. 46307, Special Condition No. 12.E., Air Permit No. O-01598, Special Condition No. 1.E.(v), and TEX. HEALTH & SAFETY CODE § 382.085(b).

10. As evidenced by Finding of Fact No. 5.b., TPC failed to equip five open-ended valves with a second valve, cap, blind flange, or plug, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(4), 115.783(5), 116.115(b), 116.814(a), and 122.143(4), 40 CFR parts 60.482-6(a)(1) and 63.167(a)(1), Air Permit No. 46307, Special Condition No. 12.E., Air Permit No. O-01598, Special Condition No. 1.E.(v), Air Permit No. 19806, General Provision 7.E., and TEX. HEALTH & SAFETY CODE § 382.085(b).
11. As evidenced by Finding of Fact No. 5.c., TPC failed to obtain authorization for the emissions from the oily water sewer hubs which lead to the API separator, in violation of Air Permit No. 46307, Special Condition No. 1 and Maximum Allowable Emission Rates Table, 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(a), and TEX. HEALTH & SAFETY CODE § 382.085(b).
12. As evidenced by Finding of Fact No. 5.d., TPC failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels, in violation of 30 TEX. ADMIN. CODE §§ 115.212(a)(3)(B) and 122.143(4), Air Permit No. O-01598, Special Condition 7.B.(i), and TEX. HEALTH & SAFETY CODE § 382.085(b).
13. As evidenced by Finding of Fact No. 6.a., TPC failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
14. As evidenced by Finding of Fact No. 6.b., TPC failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(2)(D) and (H) and 101.201(b)(8), and TEX. HEALTH & SAFETY CODE § 382.085(b).
15. As evidenced by Finding of Fact No. 7., TPC failed to prevent unauthorized emissions of 1,290 lbs of VOCs, 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).
16. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against TPC 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.
17. An administrative penalty in the amount of one hundred fifty-seven thousand nine hundred fifty-nine dollars (\$157,959.00) 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. TPC has paid seventy-eight thousand nine hundred eighty dollars (\$78,980.00). Seventy-eight thousand

nine hundred seventy-nine dollars (\$78,979.00) will be offset on the condition that TPC complete the Supplemental Environmental Project ("SEP") as ordered.

ORDERING PROVISIONS

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

1. TPC is assessed an administrative penalty in the amount of one hundred fifty-seven thousand nine hundred fifty-nine dollars (\$157,959.00) as set forth in Conclusion of Law No. 17 for violations of TCEQ rules and state statutes. The payment of the administrative penalty and TPC's compliance with all of the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. 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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Texas Petrochemicals LP; Docket No. 2005-0257-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

TPC shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. Seventy-eight thousand nine hundred seventy-nine dollars (\$78,979.00) of the assessed administrative penalty shall be offset with the condition that TPC implement the SEP defined in Attachment A, incorporated herein by reference. TPC's 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.

2. TPC shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Install interlock logic within the Honeywell controller to close valve 8FC-813 upon loss of flow resulting from a pump trip on water feed pumps 1G-2227/2228 and install a run status indicator on these two pumps to notify the Board Technician of their operating status;

- ii. Repair the pressure control valve installed on the dock pipeline and confirm that its operation would shut down the pipeline if high pressure is detected in the line; and
 - iii. Train responsible personnel on managing and submitting STEERS AEME data, including specific training on reporting of facility common names, authorized emission limits, and preconstruction authorizations;
- b. Within 120 days after the effective date of this Agreed Order, equip the loading arms at the Rail Rack for 1,3 butadiene products and crude C4 with the capability to perform a dry disconnect operation to ensure the leak-free transfer of VOCs to or from transport vessels, as required by 30 TEX. ADMIN. CODE § 115.212(a)(3)(B);
- c. Within 135 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provisions 2.a. and 2.b. The certification shall conform with the requirements in Ordering Provision 2.f.
- d. TPC shall either:
- i. Within 180 days after the effective date of this Agreed Order, obtain any authorization for air emissions from the oily water sewer hubs required by 30 TEX. ADMIN. CODE § 116.110(a), or demonstrate to the satisfaction of the Director of the Air Permits Division that any air emissions from the oily water sewer hubs are currently authorized by an authorization listed in 30 TEX. ADMIN. CODE § 116.110(a), or demonstrate that any emissions from the oily water sewer hubs have ceased either through discontinued operation or through the installation and proper maintenance of air pollution control devices, as required by 30 TEX. ADMIN. CODE § 116.110(a); and
 - ii. Within 195 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 2.d.i. The certification shall conform with the requirements in Ordering Provision 2.f.

Or, if public notice of a permit application is required, TPC shall:

- iii. Within 300 days after the effective date of this Agreed Order, obtain authorization for air emissions from the oily water sewer hubs required by 30 TEX. ADMIN. CODE § 116.110(a); and
- iv. Within 315 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 2.d.iii. The certification shall conform with the requirements in Ordering Provision 2.f.

- f. TPC shall submit written certification demonstrating compliance with Ordering Provisions. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance, and 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.”

- g. TPC shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and shall send a copy of the documentation to:

Ms. Marsha Hill, Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Ave., Suite H
Houston, TX 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon TPC. TPC is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If TPC 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, TPC's failure to comply is not a violation of this Agreed Order. TPC has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TPC shall notify the Executive Director within seven days after TPC becomes

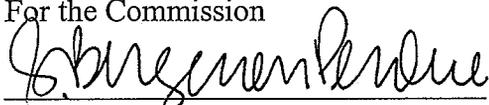
aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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 TPC shall be made in writing to the Executive Director. Extensions are not effective until TPC 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 TPC if the Executive Director determines that TPC 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 of 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 TPC 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to TPC, or three days after the date on which the Commission mails notice of the Order to TPC, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

1/17/07

Date

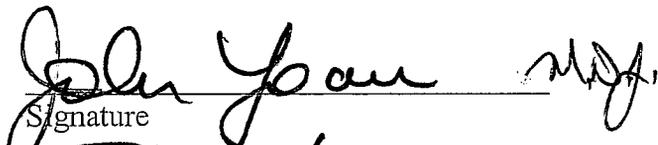
I, the undersigned, have read and understand the attached Agreed Order in the matter of Texas Petrochemicals LP. I represent that I am authorized to agree to the attached Agreed Order on behalf of Texas Petrochemicals LP, and do agree to the specified terms and conditions. I further acknowledge that 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 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.



Signature

John Yoares

Name (printed or typed)

Authorized Representative

Texas Petrochemicals LP

10/19/06

Date

Sr VP Operations

Title

Attachment A

Docket Number: 2005-0257-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Texas Petrochemicals LP

Penalty Amount: One Hundred Fifty-Seven Thousand Nine Hundred Fifty-Nine Dollars (\$157,959)

SEP Amount: Seventy-Eight Thousand Nine Hundred Seventy-Nine Dollars (\$78,979)

Type of SEP: Pre-approved

Third-Party Recipient: Harris

Location of SEP: Harris

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 shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in the Harris County Public Health and Environmental Services - Pollution Control Division Fourier Transform Infra Red ("FTIR") Project which includes obtaining air monitoring equipment, Fourier Transform Infra Red and other associated monitoring equipment as well as site preparation, installation, operation and maintenance for a minimum of a two-year period. The FTIR will analyze volatile organic compounds in ambient air.

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 providing measurements of concentrations of certain air pollutants in Harris County, including, ethylene, propylene, 1,3-butadiene, c-2-butene, t-2-butene, benzene, formaldehyde, and acetaldehyde. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data from the monitoring site will be available to the public and may be used by the TCEQ, EPA, local government, and industry to focus efforts to reduce air contaminants.

Texas Petrochemicals LP
Agreed Order – Attachment A

C. Minimum Expenditure

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:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

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:

Litigation Division
Attention: SEP Coordinator, MC 175
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.