EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1095-AIR-E **TCEQ ID:** RN102457520 **CASE NO.:** 30572

RESPONDENT NAME: TOTAL Petrochemicals USA, Inc.

ORDER TYPE:

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

CASE TYPE:

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

SITE WHERE VIOLATION(S) OCCURRED: TOTAL Petrochemicals USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County

TYPE OF OPERATION: Oil refinery

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are ten additional pending enforcement actions regarding this facility location. They are Docket Nos. 2004-0702-AIR-E, 2004-0993-AIR-E, 2004-1857-AIR-E, 2005-0355-AIR-E, 2005-0705-AIR-E, 2005-1776-AIR-E, 2005-2079-AIR-E, 2006-0141-AIR-E, 2006-0190-AIR-E, and 2006-0561-AIR-E.

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 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. John Barry, Enforcement Division, Enforcement Section III, MC R-10, (409) 899-8781; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. Anthony McLaughlin, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. Darrell Jacob, Refinery Manager, TOTAL Petrochemicals USA, Inc., P.O. Box 849, Port Arthur, Texas 77641
Mr. Ed Bergman, Environmental Engineer, TOTAL Petrochemicals USA, Inc., P. O. Box 849, Port Arthur Texas 77641
CT Corporation System, Registered Agent, TOTAL Petrochemicals USA, Inc., 350 N. St. Paul Street, Dallas, Texas 75201

Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: TOTAL Petrochemicals USA, Inc.
DOCKET NO.: 2006-1095-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __X__ Routine __ Enforcement Follow-up __X__ Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigations Relating to this Case:** June 7 through 9, 2006 and July 3, 2006 **Dates of NOE Relating to this Case:** July 25 and July 27, 2006 (NOE) **Background Facts:** These were routine investigations. Three violations were documented. **AIR** 1) Failed to notify the agency within 24 hours of the discovery of an emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to prevent an unauthorized emissions release. Since the emissions event was reported late, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 16840/PSD-TX-688M2, General Condition ("GC") 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to maintain the volatile organic compounds emission rate below 7.56 pounds per hour at the Fuel Program Modernization Cooling Tower [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 18936/PSD-TX-762M2, Special Condition ("SC") 6B [GC 8 after March 3, 2006], and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $63,280 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $63,280 **Site Compliance History Classification:** __High __X__Avg. __Poor **Person Compliance History Classification:** __High __X__Avg. __Poor **Major Source:** __X__ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** The violation is a gross deviation from the standard of conduct common in a given industry defined as the absence of management practices designed to ensure compliance.	**Corrective Actions Taken:** 1) The Executive Director recognizes that TOTAL has implemented the following corrective measures at the Plant: a. Replaced the flexible lines on the Cogeneration Unit on May 7, 2006, and b. Completed repairs on the FPM Cooling Tower heat exchangers on June 6, 2006. **Ordering Provisions:** 2) The Order will require the Respondent to: a. Within 60 days after the effective date of this Agreed Order, develop and implement measures to ensure timely reporting of emission events such as occurred on May 6, 2006. b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision April 25, 2006*

DATES					
Assigned	31-Jul-2006				
PCW	04-Oct-2006	Screening	01-Aug-2006	EPA Due	21-Apr-2007

RESPONDENT/FACILITY INFORMATION

Respondent	TOTAL Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	30572	No. of Violations	3
Docket No.	2006-1095-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	John Barry
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* $22,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 180% Enhancement *Subtotals 2, 3, & 7* $40,680

Notes: The enhancement is due to seven orders with denial, one order without denial, eight non-same or similar NOVs, including three that were self-reported, and one notice of audit.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: Does not meet the culpability criteria.

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

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

Notes: The respondent does not meet the good faith effort criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$239
Approx. Cost of Compliance	$11,000

SUM OF SUBTOTALS 1-7 Final Subtotal $63,280

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment $0

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

Notes:

Final Penalty Amount $63,280

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $63,280

DEFERRAL 0% Reduction Adjustment $0

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

Notes: No deferral is offered for a Findings Order.

PAYABLE PENALTY $63,280

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date 01-Aug-2006 **Docket No.** 2006-1095-AIR-E
Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 30572
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Enf. Coordinator John Barry

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)*	0	0%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	7	140%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **180%**

>> 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 The enhancement is due to seven orders with denial, one order without denial, eight non-same or similar NOVs, including three that were self-reported, and one notice of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **180%**

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date 01-Aug-2006 **Docket No.** 2006-1095-AIR-E
Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 30572
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Enf. Coordinator John Barry

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B)

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

Violation Description Failure to notify the agency within 24 hours ("hrs") of the discovery of an emissions event. Specifically, on May 6, 2006, an unauthorized release began at 11:00 a.m.; however, the event was not reported to the TCEQ until May 16, 2006, at 3:45 p.m.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: 70% or more of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semi-annual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $26

Statutory Limit Test

Violation Final Penalty Total $280

This violation Final Assessed Penalty (adjusted for limits) $280

Economic Benefit Worksheet

Respondent: TOTAL Petrochemicals USA, Inc.
Case ID No.: 30572
Reg. Ent. Reference No.: RN102457520
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$500	07-May-2006	31-Jan-2007	0.7	$1	$25	$26
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 ensure timely reporting; the date required is the date that notification letter was due; the final date is the estimated date that measures to ensure timely reporting are estimated to be completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $26

Screening Date 01-Aug-2006 **Docket No.** 2006-1095-AIR-E **PCW**

Respondent TOTAL Petrochemicals USA, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 30572 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 2

Primary Rule Cite(s) Air Permit No. 16840/PSD-TX-688M2, General Condition ("GC") 8

Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to prevent an unauthorized emissions release. Specifically, the emissions event began on May 6, 2006, at the Cogeneration Unit during which 588.37 pounds ("lbs") of oxides of nitrogen ("NOx") above the Maximum Allowable Emission Rate ("MAERT") limits were released over a 22 hr period. Since the emissions event was reported late, TOTAL failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

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 -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $7,000

This violation Final Assessed Penalty (adjusted for limits) $7,000

Economic Benefit Worksheet

Respondent: TOTAL Petrochemicals USA, Inc.
Case ID No.: 30572
Reg. Ent. Reference No.: RN102457520
Media [Statute]: Air Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$500	06-May-2006	07-May-2006	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	Estimated cost of replacing broken flexible line; the date required was the date line broke; the final date was the date the line was replaced.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $0

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date 01-Aug-2006 **Docket No.** 2006-1095-AIR-E
Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 30572
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Enf. Coordinator John Barry

Violation Number 3

Primary Rule Cite(s) Air Permit No. 18936/PSD-TX-762M2, Special Condition ("SC") 6B [GC 8 after March 3, 2006]

Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to maintain the volatile organic compounds ("VOC") emission rate below 7.56 lb/hr at the Fuel Program Modernization ("FPM") Cooling Tower. Specifically, leaks at the FPM Cooling Tower occurred from February 15 until June 6, 2006, resulting in the unauthorized release of VOC.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants which do 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 4 | 111 Number of violation days

mark only one use a small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $20,000

Four monthly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $213

Statutory Limit Test

Violation Final Penalty Total $56,000

This violation Final Assessed Penalty (adjusted for limits) $56,000

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 30572
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$10,000	15-Feb-2006	06-Jun-2006	0.3	$10	$203	$213
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 costs of repairing cooling tower heat exchangers; the date required was the start of leakage; the final date is the date that the leaks were repaired.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $10,000

TOTAL $213

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	Total Petrochemicals USA, Inc.	Classification: AVERAGE	Rating: 2.93
Regulated Entity:	RN102457520	TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 11.52

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	PERMIT	56409

AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WATER LICENSING	LICENSE	1230048
WASTEWATER LICENSING	LICENSE	WQ0000491000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 31, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 31, 2001 to July 31, 2006

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

Name: John Barry Phone: (409) 899-8781

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

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

Effective Date: 05/14/2004 ADMINORDER 2002-0888-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT
SC2 PERMIT
SC2B PERMIT
SC3H PERMIT

Description: Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC2 PERMIT

Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 01/08/2005 ADMINORDER 2003-1481-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, GC 8 & SC 1 PERMIT
PSD-TX-1005, GC 8 & SC 1 PERMIT

Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT

Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT

Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT

Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125,

such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
30 TAC Chapter 334, SubChapter B 334.21(b)

Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on September 8-9, 2003.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PSD-TX-453M6, Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur Dioxide and Hydrogen Sulfide on September 8-9, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, Special Condition 1 PERMIT

Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, SC 1 PERMIT

Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx during stack testing conducted on January 15-16, 2003.

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT

Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit which began on September 21, 2003 within 24 hours of discovery.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking

Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT
Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.
Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 03/21/2005 ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 lb of VOCs, 8,820.5 lbs of SO2, 24.2 lbs of NOx, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO2, 45.5 lbs of NOx, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Emitted into the atmosophere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

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	04/24/2002	(IE0016486003003)
2	07/30/2002	(5633)
3	05/30/2003	(60547)
4	12/03/2002	(18034)
5	09/19/2005	(440744)
6	06/17/2004	(275130)
7	06/27/2005	(394004)
8	05/28/2003	(60762)
9	12/17/2004	(351947)
10	01/11/2005	(345742)
11	08/08/2005	(400586)
12	08/10/2005	(398204)
13	08/08/2005	(400578)
14	08/08/2005	(395607)
15	01/24/2006	(452104)
16	03/11/2005	(346656)
17	11/15/2005	(405196)
18	02/22/2002	(157186)
19	02/21/2005	(381768)
20	06/15/2004	(271209)
21	05/12/2006	(463148)
22	08/19/2003	(147506)
23	02/20/2003	(157187)
24	03/17/2005	(381769)
25	01/21/2005	(381770)
26	05/12/2006	(451451)
27	10/23/2002	(12544)
28	08/29/2003	(33657)
29	09/27/2004	(282656)
30	03/21/2002	(157189)
31	12/13/2002	(18670)
32	11/18/2005	(435866)
33	11/26/2002	(16327)
34	07/08/2005	(380986)
35	03/19/2003	(157190)
36	04/25/2003	(25379)
37	05/11/2006	(461924)
38	06/14/2006	(480809)
39	08/15/2005	(404442)
40	07/18/2005	(398333)
41	12/14/2004	(269700)
42	11/18/2005	(435774)
43	02/24/2006	(452413)
44	08/14/2005	(402622)

45	11/05/2002	(16050)
46	07/16/2003	(112393)
47	07/12/2004	(269851)
48	04/23/2002	(157192)
49	11/04/2005	(431104)
50	05/11/2006	(463343)
51	11/15/2005	(436413)
52	02/13/2006	(450178)
53	04/23/2002	(157195)
54	01/19/2006	(440180)
55	07/30/2002	(5734)
56	06/28/2006	(465850)
57	07/29/2004	(269691)
58	04/18/2003	(157196)
59	04/10/2006	(454251)
60	04/28/2006	(462859)
61	08/31/2005	(340674)
62	07/25/2006	(482058)
63	05/22/2002	(157199)
64	05/11/2006	(465492)
65	01/16/2004	(257106)
66	05/21/2003	(157200)
67	05/11/2006	(465525)
68	12/12/2005	(404612)
69	06/21/2005	(393771)
70	08/12/2002	(5088)
71	10/17/2003	(152374)
72	07/18/2005	(396246)
73	02/07/2006	(453479)
74	02/07/2003	(22079)
75	12/07/2005	(435751)
76	06/24/2002	(157203)
77	03/30/2004	(332764)
78	06/23/2003	(157204)
79	05/11/2006	(464460)
80	01/14/2004	(259132)
81	12/15/2003	(252528)
82	08/31/2001	(157206)
83	07/22/2002	(157207)
84	05/12/2006	(454148)
85	02/25/2004	(263664)
86	01/21/2003	(20714)
87	11/12/2004	(291212)
88	07/21/2003	(157208)
89	08/16/2004	(281567)
90	03/11/2005	(350459)
91	05/12/2006	(454494)
92	08/31/2001	(157210)
93	05/25/2004	(271847)
94	11/29/2004	(337787)
95	08/21/2002	(157211)
96	10/24/2002	(12480)
97	02/18/2004	(262253)

98	08/15/2005	(399684)
99	05/11/2006	(464168)
100	11/04/2005	(436336)
101	11/15/2005	(435255)
102	09/20/2001	(157213)
103	11/22/2002	(5078)
104	05/08/2003	(33263)
105	09/23/2002	(157214)
106	08/17/2004	(280413)
107	10/24/2001	(157216)
108	06/17/2004	(273769)
109	06/27/2005	(375095)
110	08/31/2005	(402164)
111	04/23/2004	(264889)
112	04/27/2005	(345893)
113	10/18/2002	(157217)
114	08/21/2003	(147314)
115	02/23/2004	(295004)
116	07/30/2002	(5973)
117	08/09/2002	(5238)
118	03/22/2004	(295006)
119	11/19/2001	(157220)
120	11/15/2005	(436155)
121	04/19/2004	(295007)
122	11/21/2002	(157221)
123	08/29/2002	(3801)
124	04/28/2004	(269294)
125	05/21/2004	(295009)
126	01/18/2006	(449944)
127	06/23/2004	(269696)
128	01/11/2005	(286852)
129	11/10/2003	(140784)
130	06/22/2004	(295011)
131	01/28/2003	(22061)
132	08/31/2004	(280247)
133	12/21/2001	(157224)
134	12/07/2004	(341531)
135	07/21/2004	(295013)
136	12/20/2002	(157225)
137	04/18/2006	(455136)
138	08/31/2004	(285080)
139	08/21/2003	(295015)
140	03/29/2005	(372850)
141	02/13/2006	(450341)
142	09/22/2003	(295017)
143	01/22/2002	(157228)
144	04/22/2005	(419600)
145	06/15/2005	(394699)
146	02/06/2006	(437341)
147	05/19/2005	(419601)
148	01/21/2003	(157229)
149	10/21/2003	(295019)
150	08/29/2003	(31893)

151	06/21/2005	(419602)
152	11/21/2003	(295020)
153	02/15/2006	(454193)
154	01/07/2004	(251647)
155	05/11/2006	(464473)
156	08/17/2004	(286899)
157	12/22/2003	(295021)
158	05/30/2006	(461199)
159	01/21/2004	(295022)
160	02/21/2006	(468270)
161	05/22/2006	(464542)
162	07/12/2005	(379108)
163	02/07/2006	(450128)
164	03/18/2004	(259900)
165	07/13/2005	(395545)
166	06/17/2005	(380022)
167	08/15/2005	(403311)
168	11/04/2005	(435646)
169	03/21/2006	(468271)
170	03/11/2005	(348120)
171	06/16/2005	(395449)
172	02/24/2006	(450992)
173	08/23/2004	(351943)
174	08/14/2005	(400928)
175	10/21/2005	(468272)
176	01/11/2005	(345734)
177	11/21/2005	(468273)
178	12/17/2003	(253859)
179	06/17/2005	(395181)
180	09/21/2004	(351944)
181	12/15/2005	(468274)
182	05/11/2006	(464467)
183	04/08/2004	(265693)
184	11/18/2005	(435804)
185	01/23/2006	(468275)
186	11/15/2005	(434630)
187	10/21/2004	(351945)
188	01/19/2006	(439503)
189	07/27/2006	(485194)
190	08/15/2005	(371587)
191	07/21/2005	(440742)
192	03/05/2004	(258714)
193	08/17/2004	(283908)
194	05/11/2006	(465518)
195	01/11/2005	(345047)
196	08/19/2005	(440743)
197	05/11/2006	(465489)
198	11/18/2004	(351946)
199	11/18/2005	(435798)

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

Date: 03/29/2005 (372850)

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.121[G]

Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

Description: Failure to maintain vent on ground storage tank.

Date: 04/10/2006 (454251)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: PERMIT IA

Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Date: 05/31/2006 (461199)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: The facility failed to update the notice of registration

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

Date: 03/30/2004 (332764)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/26/2004 (264889)

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

Date: 03/31/2004 (295007)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (468270)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (468274)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TOTAL PETROCHEMICALS USA INC	CUSTOMER NO.:	CN600582399
REGULATED ENTITY:	ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX	REG. ENTITY NO.:	RN102457520
REG. ENTITY ADDRESS:	HIGHWAY 366 AND 32ND STREET		
REG. ENTITY CITY:	PORT ARTHUR		

Violations

EPA CASE NO.:	06-2002-0901	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20021008	STATUTE: RCRA	SECT. OF STATUTE: 3005
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 262 CITE SECT.: 34
		PROGRAM:	Hazardous Waste Management- C-T
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	RCRA Permit Evader

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TOTAL PETROCHEMICALS USA, INC.	§	
RN102457520	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1095-AIR-E

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

TOTAL understands that it has, here and throughout rest of document 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, TOTAL agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon TOTAL.

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

I. FINDINGS OF FACT

1. TOTAL owns and operates an oil refinery located at 7600 32nd Street, Port Arthur, Jefferson 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 from June 7 through 9, 2006, TCEQ staff documented that on May 6, 2006, an unauthorized release began at 11:00 a.m.; however, the event was not reported to the TCEQ until May 16, 2006, at 3:45 p.m.

4. During an investigation from June 7 through 9, 2006, TCEQ staff determined that the emissions event which began on May 6, 2006, at the Cogeneration Unit released 588.37 pounds ("lbs") of oxides of nitrogen ("NOx") above the Maximum Allowable Emission Rate ("MAERT") limits over a 22 hour ("hr") period.

5. During a record review on July 3, 2006, TCEQ staff determined that leaks at the Fuel Program Modernization ("FPM") Cooling Tower occurred from February 15 until June 6, 2006, resulting in the unauthorized release of VOC.

6. TOTAL received notice of the violations on July 30 and August 1, 2006.

7. The Executive Director recognizes that TOTAL has implemented the following corrective measures at the Plant:

   a. Replaced the flexible lines on the Cogeneration Unit on May 7, 2006, and

   b. Completed repairs on the FPM Cooling Tower heat exchangers on June 6, 2006.

II. CONCLUSIONS OF LAW

1. TOTAL is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, TOTAL failed to notify the agency within 24 hr of the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 4, TOTAL failed to prevent an unauthorized emissions release, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 16840/PSD-TX-688M2, General Condition ("GC") 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was reported late, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

4. As evidenced by Finding of Fact No. 5, TOTAL failed to maintain the VOC emission rate below 7.56 lbs/hr at the FPM Cooling Tower, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 18936/PSD-TX-762M2, Special Condition ("SC") 6B [GC 8 after March 3, 2006], and TEX. HEALTH & SAFETY CODE § 382.085(b).

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against TOTAL 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.

6. An administrative penalty in the amount of Sixty-Three Thousand Two Hundred Eighty Dollars ($63,280) 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. TOTAL has paid the Sixty-Three Thousand Two Hundred Eighty Dollar ($63,280) administrative penalty.

III. ORDERING PROVISIONS

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

1. TOTAL is assessed an administrative penalty in the amount of Sixty-Three Thousand Two Hundred Eighty Dollars ($63,280), as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and TOTAL's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL Petrochemicals USA, Inc., Docket No. 2006-1095-AIR-E" to:

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

2. TOTAL shall undertake the following technical requirements:

   a. Within 60 days after the effective date of this Agreed Order, develop and implement measures to ensure timely reporting of emission events such as occurred on May 6, 2006.

   b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

      The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

      "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      The certification shall be submitted to:

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

with a copy to:

Manager, Air Section
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon TOTAL. TOTAL 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 TOTAL 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, TOTAL's failure to comply is not a violation of this Agreed Order. TOTAL has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TOTAL shall notify the Executive Director within seven days after TOTAL 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 TOTAL shall be made in writing to the Executive Director. Extensions are not effective until TOTAL 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 TOTAL if the Executive Director determines that TOTAL has not complied with one or more of the terms or conditions in this Agreed Order.

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

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

2/9/07
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of TOTAL Petrochemicals USA, Inc. I am authorized to agree to the attached Agreed Order on behalf of TOTAL Petrochemicals USA, Inc., 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, TOTAL Petrochemicals USA, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Signature

10/19/06
Date

Darrell Jacob
Name (printed or typed)
Authorized Representative
TOTAL Petrochemicals USA, Inc.

Refinery Manager
Title

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