

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0365-AIR-E **TCEQ ID:** RN100219526 **CASE NO.:** 32900
RESPONDENT NAME: Texas Petrochemicals LP

TEXAS
 ENFORCEMENT DIVISION
 ON ENVIRONMENTAL
 QUALITY

207 AUG -1 PM 2:13

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Texas Petrochemicals Houston Facility, 8600 Park Place Boulevard, Houston, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. There is one pending enforcement regarding this facility location, Docket Number 2007-1141-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 11, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, SEP Coordinator, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8931; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Christopher A. Artzer, Vice President and General Counsel, Texas Petrochemicals LP, 5151 San Felipe, Suite 800, Houston, Texas 77056; Mr. Chris Hendrix, Senior Environmental Engineer, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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 type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: December 21, 2006 and March 1, 2007</p> <p>Dates of NOEs Relating to this Case: March 9 and 20, 2007 (NOE)</p> <p>Background Facts: This was a routine record review and investigation. Two violations were documented.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions during a December 28, 2006 emissions event [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>2) Failed to prevent unauthorized emissions during a December 18, 2006 emissions event [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>Total Assessed: \$20,000</p> <p>Total Deferred: \$4,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$8,000</p> <p>Total Paid to General Revenue: \$8,000</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as the December 28, 2006 and December 18, 2006 emissions events; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a., including documentation detailing corrective measures implemented at the Plant.</p>

Attachment A
Docket Number: 2007-0365-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Petrochemicals LP
Payable Penalty Amount:	Sixteen Thousand Dollars (\$16,000)
SEP Amount:	Eight Thousand Dollars (\$8,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Harris County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	12-Mar-2007	Screening	12-Mar-2007	EPA Due	4-Dec-2007
	PCW	22-Mar-2007				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	32900	No. of Violations	2	
Docket No.	2007-0365-AIR-E	Order Type	1660	
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 **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **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 x)
Notes	<input type="text" value="The Respondent does not meet the good faith criteria."/>	

Total EB Amounts **Subtotal 6**

Approx. Cost of Compliance ***Capped at the Total EB \$ Amount**

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 **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 12-Mar-2007

Docket No. 2007-0365-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 32900

PCW Revision December 8, 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	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 122%

>> 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 issued for same or similar violations, nine NOVs issued for unrelated violations, one agreed order with a denial of liability, and one consent decree/court order without denial of liability. Penalty reduction due to one Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 122%

Screening Date 12-Mar-2007

Docket No. 2007-0365-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 32900

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 1

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

Violation Description

Failed to prevent unauthorized emissions during a December 28, 2006 emissions event. Specifically, during the December 28, 2006 emissions event the following unauthorized emissions were released from the plant flare over a period of three hours and thirty minutes: 499.63 pounds ("lbs") of 1,3-butadiene, 29.96 lbs of butane, 550.61 lbs of butene, .04 lbs of ethylene, 5.36 lbs of propane, and 2.11 lbs of propylene. Since the emissions event was avoidable, Texas Petrochemicals LP failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The Houston-Galveston-Brazoria ozone nonattainment area has been exposed to a significant amount of highly reactive volatile organic compounds which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$92

Violation Final Penalty Total \$11,100

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

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 32900
Reg. Ent. Reference No. RN100219526
Media 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
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No commas or \$

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	28-Dec-2006	8-Aug-2007	0.6	\$92	n/a	\$92

Notes for DELAYED costs Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the same cause. Date required based on the date of the emissions event. Final date based on the projected date all corrective actions will be complete.

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$3,000	TOTAL	\$92
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Screening Date 12-Mar-2007

Docket No. 2007-0365-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 32900

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219526

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 2

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

Violation Description

Failed to prevent unauthorized emissions during a December 18, 2006 emissions event. Specifically, during the December 18, 2006 emissions event the following unauthorized emissions were released from the plant flare and compressor 4G-703 over a period of four hours and twelve minutes: 214.64 lbs of 1,3-butadiene, 315.646 lbs of butene, 11.5 lbs of butane, .03 lbs of ethylene, 1.83 lbs of propane, and .03 lbs of propylene. Since the emissions event was avoidable, Texas Petrochemicals LP failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The Houston-Galveston-Brazoria ozone nonattainment area has been exposed to a significant amount of highly reactive volatile organic compounds which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$96

Violation Final Penalty Total \$11,100

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

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 32900
Reg. Ent. Reference No. RN100219526
Media 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
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	18-Dec-2006	8-Aug-2007	0.6	\$96	n/a	\$96

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the same cause. Date required based on the date of the emissions event. Final date based on the projected date all corrective actions will be complete.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$96

Compliance History

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

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P
	AIR OPERATING PERMITS	PERMIT	1598
	AIR OPERATING PERMITS	PERMIT	2884
	AIR NEW SOURCE PERMITS	PERMIT	1341A
	AIR NEW SOURCE PERMITS	PERMIT	1766
	AIR NEW SOURCE PERMITS	PERMIT	4136
	AIR NEW SOURCE PERMITS	PERMIT	4238A
	AIR NEW SOURCE PERMITS	PERMIT	10296
	AIR NEW SOURCE PERMITS	PERMIT	10323A
	AIR NEW SOURCE PERMITS	PERMIT	10352A
	AIR NEW SOURCE PERMITS	PERMIT	10675A
	AIR NEW SOURCE PERMITS	PERMIT	10840A
	AIR NEW SOURCE PERMITS	PERMIT	11427A
	AIR NEW SOURCE PERMITS	PERMIT	11801
	AIR NEW SOURCE PERMITS	PERMIT	11801A
	AIR NEW SOURCE PERMITS	PERMIT	13805A
	AIR NEW SOURCE PERMITS	PERMIT	13806A
	AIR NEW SOURCE PERMITS	PERMIT	15606
	AIR NEW SOURCE PERMITS	PERMIT	16351
	AIR NEW SOURCE PERMITS	PERMIT	19806
	AIR NEW SOURCE PERMITS	PERMIT	22052
	AIR NEW SOURCE PERMITS	PERMIT	24187
	AIR NEW SOURCE PERMITS	PERMIT	28410
	AIR NEW SOURCE PERMITS	PERMIT	37317
	AIR NEW SOURCE PERMITS	PERMIT	40807
	AIR NEW SOURCE PERMITS	PERMIT	43252
	AIR NEW SOURCE PERMITS	PERMIT	43536
	AIR NEW SOURCE PERMITS	PERMIT	44268
	AIR NEW SOURCE PERMITS	PERMIT	44488
	AIR NEW SOURCE PERMITS	PERMIT	44686
	AIR NEW SOURCE PERMITS	PERMIT	44927
	AIR NEW SOURCE PERMITS	PERMIT	46307
	AIR NEW SOURCE PERMITS	PERMIT	46426
	AIR NEW SOURCE PERMITS	PERMIT	46456
	AIR NEW SOURCE PERMITS	PERMIT	47147
	AIR NEW SOURCE PERMITS	PERMIT	47393
	AIR NEW SOURCE PERMITS	PERMIT	48550
	AIR NEW SOURCE PERMITS	PERMIT	49829
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P
	AIR NEW SOURCE PERMITS	AFS NUM	4820100031
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX999
	AIR NEW SOURCE PERMITS	REGISTRATION	70703
	AIR NEW SOURCE PERMITS	REGISTRATION	71443
	AIR NEW SOURCE PERMITS	REGISTRATION	71687
	AIR NEW SOURCE PERMITS	PERMIT	50761
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX999
	AIR NEW SOURCE PERMITS	REGISTRATION	77348
	AIR NEW SOURCE PERMITS	REGISTRATION	77347
	AIR NEW SOURCE PERMITS	REGISTRATION	77346
	AIR NEW SOURCE PERMITS	REGISTRATION	77345
	AIR NEW SOURCE PERMITS	REGISTRATION	77344
	AIR NEW SOURCE PERMITS	REGISTRATION	77343
	AIR NEW SOURCE PERMITS	REGISTRATION	78118
	AIR NEW SOURCE PERMITS	REGISTRATION	79799
	AIR NEW SOURCE PERMITS	REGISTRATION	79933
	AIR NEW SOURCE PERMITS	REGISTRATION	79947
	AIR NEW SOURCE PERMITS	REGISTRATION	80019
	AIR NEW SOURCE PERMITS	REGISTRATION	80271
	AIR NEW SOURCE PERMITS	REGISTRATION	80340
	AIR NEW SOURCE PERMITS	REGISTRATION	80916
	AIR NEW SOURCE PERMITS	REGISTRATION	80921
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008072134

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

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 12, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 12, 2002 to March 12, 2007

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

Name: Rebecca Johnson Phone: N/A

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 05/24/2004

ADMINORDER 2002-0609-AIR-E

Classification: Moderate

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

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

Rqmt Prov: SC10 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Rqmt Prov: SC10 PERMIT

Description: Failure to adhere to LDAR monitoring schedule for pumps.

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 03/14/2002 (103767)

2 03/14/2002 (103768)

2	03/14/2002	(103700)
3	04/17/2002	(103769)
4	04/18/2002	(103770)
5	04/24/2002	(103771)
6	05/06/2002	(103772)
7	05/15/2002	(103773)
8	05/15/2002	(103774)
9	05/22/2002	(103775)
10	05/28/2002	(103776)
11	06/05/2002	(103777)
12	06/06/2002	(103778)
13	06/10/2002	(103779)
14	06/12/2002	(103780)
15	06/12/2002	(103781)
16	06/27/2002	(1692)
17	07/03/2002	(4090)
18	07/03/2002	(2393)
19	07/09/2002	(1448)
20	01/09/2003	(17886)
21	01/17/2003	(17931)
22	02/19/2003	(21171)
23	03/13/2003	(25806)
24	03/13/2003	(26455)
25	04/21/2003	(27289)
26	05/20/2003	(29901)
27	06/18/2003	(36257)
28	07/09/2003	(98190)
29	07/15/2003	(114135)
30	07/21/2003	(114195)
31	08/08/2003	(40801)
32	08/11/2003	(130767)
33	08/26/2003	(149809)
34	08/28/2003	(152866)
35	10/17/2003	(249451)
36	10/30/2003	(152888)
37	11/18/2003	(249532)
38	01/02/2004	(254540)
39	01/08/2004	(258394)
40	01/15/2004	(255521)
41	01/23/2004	(258353)
42	01/28/2004	(256991)
43	01/28/2004	(257009)
44	02/10/2004	(255227)
45	02/10/2004	(256355)
46	04/12/2004	(260974)
47	04/20/2004	(255875)
48	05/26/2004	(262402)
49	06/10/2004	(270492)
50	06/15/2004	(270507)
51	07/09/2004	(270285)
52	07/13/2004	(268259)
53	07/26/2004	(277574)
54	07/29/2004	(279114)
55	07/30/2004	(278578)
56	08/11/2004	(288425)
57	08/11/2004	(288800)
58	08/18/2004	(276597)
59	08/30/2004	(282027)
60	08/31/2004	(291888)
61	08/31/2004	(285908)
62	10/08/2004	(335087)
63	10/11/2004	(333747)
64	10/18/2004	(336459)
65	10/18/2004	(336854)
66	10/19/2004	(335878)
67	10/26/2004	(291758)
68	11/02/2004	(339528)
69	11/11/2004	(289544)
70	11/11/2004	(292795)

71	11/22/2004	(339425)
72	12/13/2004	(339426)
73	12/16/2004	(293258)
74	01/05/2005	(345579)
75	01/21/2005	(342214)
76	02/03/2005	(349418)
77	02/18/2005	(345797)
78	04/07/2005	(347336)
79	04/07/2005	(347331)
80	04/18/2005	(374447)
81	04/19/2005	(377616)
82	05/05/2005	(373870)
83	05/10/2005	(380624)
84	05/13/2005	(373465)
85	05/31/2005	(376325)
86	06/06/2005	(378762)
87	07/07/2005	(394060)
88	08/08/2005	(394042)
89	08/11/2005	(374658)
90	08/23/2005	(404475)
91	08/23/2005	(402060)
92	08/24/2005	(402041)
93	08/24/2005	(333418)
94	08/26/2005	(401337)
95	08/29/2005	(404046)
96	08/29/2005	(405738)
97	08/31/2005	(418954)
98	08/31/2005	(402446)
99	09/27/2005	(405860)
100	02/23/2006	(455880)
101	02/25/2006	(456997)
102	02/27/2006	(457159)
103	02/28/2006	(457074)
104	03/13/2006	(450068)
105	03/13/2006	(450024)
106	03/13/2006	(450051)
107	04/04/2006	(458283)
108	04/04/2006	(458271)
109	04/04/2006	(461031)
110	04/28/2006	(458466)
111	05/30/2006	(480219)
112	05/30/2006	(480237)
113	05/30/2006	(480292)
114	05/30/2006	(480297)
115	05/30/2006	(480287)
116	05/30/2006	(480133)
117	05/30/2006	(471013)
118	05/30/2006	(480300)
119	05/30/2006	(480289)
120	05/30/2006	(459802)
121	05/30/2006	(480277)
122	05/30/2006	(480141)
123	05/30/2006	(480099)
124	05/30/2006	(480302)
125	05/30/2006	(480303)
126	05/30/2006	(480304)
127	05/30/2006	(480245)
128	05/30/2006	(480305)
129	05/30/2006	(480306)
130	05/30/2006	(480308)
131	05/30/2006	(480311)
132	05/30/2006	(480313)
133	05/30/2006	(480314)
134	05/30/2006	(480315)
135	05/30/2006	(480233)
136	05/30/2006	(480265)
137	05/30/2006	(478963)
138	05/30/2006	(480222)

139	05/30/2006	(480200)
140	05/30/2006	(480206)
141	05/30/2006	(480282)
142	05/30/2006	(477634)
143	05/30/2006	(480186)
144	05/31/2006	(480637)
145	05/31/2006	(480638)
146	05/31/2006	(480639)
147	05/31/2006	(480640)
148	05/31/2006	(480641)
149	05/31/2006	(480642)
150	05/31/2006	(480643)
151	05/31/2006	(480644)
152	05/31/2006	(480645)
153	05/31/2006	(480646)
154	05/31/2006	(480530)
155	05/31/2006	(480647)
156	05/31/2006	(480648)
157	05/31/2006	(480649)
158	05/31/2006	(480651)
159	05/31/2006	(480653)
160	05/31/2006	(480468)
161	05/31/2006	(480654)
162	05/31/2006	(480610)
163	05/31/2006	(480655)
164	05/31/2006	(480226)
165	05/31/2006	(480656)
166	05/31/2006	(480244)
167	05/31/2006	(480569)
168	05/31/2006	(480631)
169	05/31/2006	(480197)
170	05/31/2006	(480263)
171	05/31/2006	(480425)
172	05/31/2006	(480445)
173	05/31/2006	(480455)
174	05/31/2006	(480246)
175	05/31/2006	(480623)
176	05/31/2006	(480242)
177	05/31/2006	(480502)
178	05/31/2006	(480634)
179	05/31/2006	(480214)
180	05/31/2006	(480635)
181	05/31/2006	(480254)
182	05/31/2006	(480866)
183	05/31/2006	(480479)
184	07/21/2006	(481873)
185	07/21/2006	(481904)
186	07/21/2006	(481780)
187	07/27/2006	(459885)
188	08/08/2006	(462831)
189	08/28/2006	(488585)
190	08/28/2006	(488528)
191	08/28/2006	(488643)
192	08/31/2006	(488584)
193	10/30/2006	(487750)
194	11/17/2006	(518574)
195	12/05/2006	(532642)
196	12/21/2006	(534110)
197	12/21/2006	(534106)
198	01/04/2007	(534107)
199	02/01/2007	(533800)
200	02/07/2007	(539409)
201	03/02/2007	(538543)
202	03/09/2007	(542643)

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

Date: 03/14/2002 (103766)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 Description: Failure to Comply
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Rqmt Prov: OP PPSC10
 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: 06/30/2003 (60730)

Self Report? NO Classification: Minor

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

Date: 08/08/2003 (40801)

Self Report? NO Classification: Moderate

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

Self Report? NO Classification: Moderate

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

Self Report? NO Classification: Minor

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

Self Report? NO Classification: Minor

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

Date: 02/10/2004 (255227)

Self Report? NO Classification: Moderate

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA TCEQ Air Permit 1341A
 Description: Failure to comply with special provision No. 3 of TCEQ Air permit #1341A.

Date: 05/26/2004 (262402)

Self Report? NO Classification: Major

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

Date: 08/30/2004 (282027)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
 30 TAC Chapter 101, SubChapter F 101.201(b)(12)
 Description: The company failed to submit additional information 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: 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)

Rqmt Prov: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
Description: PERMIT TCEQ Air Permit No. 46307, SC 9C

Description: Failure to control smoke from a flare resulting in an exceedance of the 5 minute time period in any two hours.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307 GC #7

Description: Failure to maintain information required to demonstrate compliance with the general condition number 7 of TCEQ Air Permit No. 46307.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]

Rqmt Prov: PERMIT TCEQ Air Permit No. 46307 SC 1

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to submit the final record for an emissions event

Date: 06/06/2005 (378762)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain opacity of emissions less than 20% at the Boiler #9 Stack.

Date: 08/08/2005 (394042)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)

Description: Failure to submit information by the due date.

Self Report? NO Classification: Moderate

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

Description: Failure to obtain a permit amendment for emissions from the D-100 Tower.

Date: 08/26/2005 (401337)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ VERP Permit 46307 SC 8B

Description: Failed to meet the requirements specified under TCEQ Source Sampling Procedure Manual Appendix P, 5.1.1.3, which requires samples should be drawn from either the vertical section near the base of the riser pipe or the top of a horizontal section prior to the riser pipe at a location where the pipe will be full.

Self Report? NO Classification: Minor

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

30 TAC Chapter 116, SubChapter H 116.814(a)

Rqmt Prov: PERMIT TCEQ VERP 46307 GC 7

PERMIT TCEQ VERP 46307 SC 8B

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

Date: 03/13/2006 (450024)

Self Report? NO Classification: Moderate

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

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

Date: 03/13/2006 (450051)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO when the RATA was conducted for the NOx and O2 CEMS.

Date: 03/13/2006 (450068)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO emissions when the RATA was conducted for the Nox and O2 analyzers.

Date: 07/31/2006 (459885)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(I)(I)
Description: RE failed to submit stack test reports on time.

Date: 08/29/2006 (466376)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Found to be in violation of 30 TAC Chapter 101.4 and 5C THC Chapter 382.085(b) for failure to control emissions.

Date: 08/31/2006 (488584)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1

Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A

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

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

Description: Failure to plug open-ended lines.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with 30 TAC 1170206(i) by operating pump between the hours of 6:00 AM to noon.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01598, SC 1A

Description: Failure to document presence and frequency of drips and to the sensor that indicates failure of the seal system for the 23 pumps.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(e)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01598

Description: Failure to conduct daily inspection on the Number 5 compressor seal system sensor, which did not have an alarm system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01598, 1A

Description: Failure repair leaking connector within 15 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01598, SC 1A

Description: Failure to monitor 18 pumps.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01598

Description: Failure to provide 30-day refilling notice to the IFR tank T-73.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01598, SC 1A

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

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

Date: 11/17/2006 (518574)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

30 TAC Chapter 335, SubChapter C 335.69(a)(4)(B)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(C)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(G)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: The facility was unable to document any refusal of state or local agencies to enter into arrangements to provide emergency response.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)(1)
Description: NOR Unit 009-Tank: This unit has been removed. No notification regarding the removal of this tank, has been provided.

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

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

F. Environmental audits.

Notice of Intent Date: 05/11/2006 (467603)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant):
 REGULATED ENTITY:
 REG. ENTITY ADDRESS:
 REG. ENTITY CITY:

CUSTOMER NO.:
 REG. ENTITY NO.:

Violations

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

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

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

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

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS PETROCHEMICALS LP
RN100219526

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0365-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Petrochemicals LP ("Texas Petrochemicals") under the authority of TEX. HEALTH & SAFETY Code ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Texas Petrochemicals appear before the Commission and together stipulate that:

1. Texas Petrochemicals owns and operates a chemical manufacturing plant located at 8600 Park Place Boulevard in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Texas Petrochemicals agree that the Commission has jurisdiction to enter this Agreed Order, and that Texas Petrochemicals is subject to the Commission's jurisdiction.
4. Texas Petrochemicals received notices of the violations alleged in Section II ("Allegations") on or about March 14, 2007 and March 25, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Texas Petrochemicals of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty Thousand Dollars (\$20,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Texas

Petrochemicals has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Four Thousand Dollars (\$4,000) is deferred contingent upon Texas Petrochemicals' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Texas Petrochemicals fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Texas Petrochemicals to pay all or part of the deferred penalty. Eight Thousand Dollars (\$8,000) shall be conditionally offset by Texas Petrochemicals' completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Texas Petrochemicals have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Texas Petrochemicals has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Texas Petrochemicals is alleged to have:

1. Failed to prevent unauthorized emissions during a December 28, 2006 emissions event, 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), as documented during a record review conducted on March 1, 2007. Specifically, during the December 28, 2006 emissions event the following unauthorized emissions were released from the plant flare over a period of three hours and thirty minutes: 499.63 pounds ("lbs") of 1,3-butadiene, 29.96 lbs of butane, 550.61 lbs of butene, .04 lbs of ethylene, 5.36 lbs of propane, and 2.11 lbs of propylene. Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions during a December 18, 2006 emissions event, 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), as documented during an investigation conducted on December 21, 2006. Specifically, during the December 18, 2006 emissions event the following unauthorized emissions were released from the plant flare and compressor 4G-703 over a period of four hours and twelve minutes: 214.64 lbs of 1,3-butadiene, 315.646 lbs of butene, 11.5 lbs of butane, .03 lbs of ethylene, 1.83 lbs of propane, and .03 lbs of propylene. Since the emissions event was avoidable, Texas Petrochemicals failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Texas Petrochemicals pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Texas Petrochemicals' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Petrochemicals LP, Docket No. 2007-0365-AIR-E" to:

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

2. Texas Petrochemicals shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand Dollars (\$8,000) of the assessed administrative penalty shall be offset with the condition that Texas Petrochemicals implement the SEP defined in Attachment A, incorporated herein by reference. Texas Petrochemicals' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that Texas Petrochemicals shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as the December 28, 2006 and December 18, 2006 emissions events; and

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a., including documentation detailing corrective measures implemented at the Plant.

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

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon Texas Petrochemicals. Texas Petrochemicals is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Texas Petrochemicals fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Texas Petrochemicals' failure to comply is not a violation of this Agreed Order. Texas Petrochemicals shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Texas Petrochemicals shall notify the Executive Director within seven days after Texas Petrochemicals becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Texas Petrochemicals shall be made in writing to the Executive Director. Extensions are not effective until Texas Petrochemicals receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against Texas Petrochemicals in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Texas Petrochemicals, or three days after the date on which the Commission mails notice of the Order to Texas Petrochemicals, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sollier
For the Executive Director

8/11/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that 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.

Chp A. Actzer
Signature

4/16/07
Date

CHRISTOPHER A. ACTZER
Name (Printed or typed)
Authorized Representative of
Texas Petrochemicals LP

VP GENERAL COUNSEL
Title

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

Attachment A
Docket Number: 2007-0365-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Petrochemicals LP
Payable Penalty Amount:	Sixteen Thousand Dollars (\$16,000)
SEP Amount:	Eight Thousand Dollars (\$8,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Harris County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.