

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1510-AIR-E **TCEQ ID:** RN100219526 **CASE NO.:** 34646

RESPONDENT NAME: Texas Petrochemicals LP

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: There are no complaints. There are five additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1141-AIR-E, 2007-1220-AIR-E, 2007-1675-AIR-E, 2007-1791-AIR-E, and 2007-1628-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 December 17, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Chris Hendrix, Environmental Manager, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017 Mr. Kirk Johnson, Plant Manager, 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 type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 20, 2007</p> <p>Date of NOV/NOE Relating to this Case: September 17, 2007 (NOB)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions during an August 14, 2007 emissions event. Specifically, during the August 14, 2007 emissions event, the following unauthorized Highly Reactive Volatile Organic Compound emissions were released from the water line to the 4D-67 tower in the Dimethyl Formamide Unit over a period of 22 minutes: 1,056.0 pounds ("lbs") of 1,3-butadiene and 5.0 lbs of butene. Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to properly notify the TCEQ of an emissions event that occurred on August 14, 2007. Specifically, the preconstruction authorization of the facility involved in the emissions event was not identified in the final report [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,266</p> <p>Total Deferred: \$2,053 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$4,106</p> <p>Total Paid to General Revenue: \$4,107</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:</p> <p>i. Identify an operating parameter for the affected equipment (4D-67 Tower) that will be monitored and alarmed to help provide early indication of a potential environmental release;</p> <p>ii. Connect an alternate, higher pressure source of water to the 4D-67 Tower in order to minimize the severity of a leak if a similar event was to occur, until the soft water header can be replaced as stated in Ordering Provision No. 2.b. below;</p> <p>iii. Add check valve inspections to turnaround lists where the check valves are needed to prevent utility cross contamination; and</p> <p>iv. Implement measures designed to ensure proper reporting of emissions events.</p> <p>b. Within 240 days after the effective date of this Agreed Order, replace the soft water system in the following areas: power plant to the north absorber, DMF, 7th Street, Raffinate Train, and Olefins. This replacement shall include approximately 6,670 feet of soft water piping.</p> <p>c. Within 255 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 Nos. 2.a. and 2.b.</p>

Additional ID No(s): HG0562P

Attachment A
Docket Number: 2007-1510-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Texas Petrochemicals LP

Payable Penalty Amount: Eight Thousand Two Hundred Thirteen Dollars (\$8,213)

SEP Amount: Four Thousand One Hundred Six Dollars (\$4,106)

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

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 Petrochemicals LP
Agreed Order – Attachment A

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.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	17-Sep-2007	Screening	18-Sep-2007	EPA Due	10-Jun-2008
	PCW	19-Sep-2007				

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

CASE INFORMATION				
Enf./Case ID No.	34646	No. of Violations	2	
Docket No.	2007-1510-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales	
Multi-Media		EC's Team	EnforcementTeam 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 166% Enhancement Subtotals 2, 3, & 7

Notes: Penalty enhancement due to 13 NOVs for the same or similar violations, six NOVs for unrelated violations, two orders containing a denial of liability, and two orders without a denial of liability. Penalty reduction for one notice of audit letter submitted.

Culpability No 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

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

Total EB Amounts 0% Enhancement* 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 20% Reduction Adjustment

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 18-Sep-2007

Docket No. 2007-1510-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 34646

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13	65%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 166%

>> 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 13 NOVs for the same or similar violations, six NOVs for unrelated violations, two orders containing a denial of liability, and two orders without a denial of liability. Penalty reduction for one notice of audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 166%

Screening Date 18-Sep-2007	Docket No. 2007-1510-AIR-E	PCW
Respondent Texas Petrochemicals LP	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34646	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN100219526		
Media [Statute] Air		
Enf. Coordinator Kimberly Morales		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	Air Permit No. 46307, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to prevent unauthorized emissions during an August 14, 2007 emissions event. Specifically, during the August 14, 2007 emissions event, the following unauthorized Highly Reactive Volatile Organic Compound ("HRVOC") emissions were released from the water line to the 4D-67 tower in the Dimethyl Formamide Unit over a period of 22 minutes: 1,056.0 pounds ("lbs") of 1,3-butadiene and 5.0 lbs of butene. Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
Base Penalty		<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
		Major Moderate Minor
	Actual	<input type="text" value="x"/>
	Potential	<input type="text"/>
		Percent <input type="text" value="50%"/>
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="text"/>	<input type="text"/>
		Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of HRVOC pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment		<input type="text" value="\$5,000"/>
		<input type="text" value="\$5,000"/>
Violation Events		
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="1"/>
<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
		Violation Base Penalty <input type="text" value="\$5,000"/>
One monthly event is recommended.		
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount <input type="text" value="\$445"/>		Violation Final Penalty Total <input type="text" value="\$13,300"/>
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,000"/>

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 34646
Reg. Ent. Reference No. RN100219526
Media Air
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)	\$12,800	14-Aug-2007	24-Apr-2008	0.7	\$445	n/a	\$445

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure proper pressures are maintained in water lines. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.

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

\$12,800

TOTAL

\$445

Screening Date 18-Sep-2007	Docket No. 2007-1510-AIR-E	PCW
Respondent Texas Petrochemicals LP	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34646	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN100219526		
Media [Statute] Air		
Enf. Coordinator Kimberly Morales		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 101.201(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input type="text" value="Failed to properly notify the TCEQ of an emissions event that occurred on August 14, 2007. Specifically, the preconstruction authorization of the facility involved in the emissions event was not identified in the final report."/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>		x
				Percent <input type="text" value="1%"/>	
Matrix Notes	<input type="text" value="At least 70% of the rule requirement was met."/>				

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days
mark only one with an x daily <input type="text"/> monthly <input type="text"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$100"/>	
<input type="text" value="One single event is recommended."/>		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$43"/>	Violation Final Penalty Total <input type="text" value="\$266"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$266"/>	

Economic Benefit Worksheet

Respondent: Texas Petrochemicals LP
Case ID No.: 34646
Reg. Ent. Reference No.: RN100219526
Media: Air
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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Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,300	27-Aug-2007	24-Apr-2008	0.7	\$43	n/a	\$43
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure accurate reporting of emissions events. Date required is the date the final report was submitted. Final date is the projected date of corrective action completion.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,300	TOTAL	\$43
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Compliance History

Customer/Respondent/Owner-Operator:	CN600130322	Texas Petrochemicals LP	Classification: Average	Rating: 7.47
Regulated Entity:	RN100219526	TEXAS PETROCHEMICALS HOUSTON FACILITY	Classification: Average	Site Rating: 7.16
ID Number(s):				
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P	
	AIR OPERATING PERMITS	PERMIT	1598	
	AIR OPERATING PERMITS	PERMIT	2884	
	AIR NEW SOURCE PERMITS	PERMIT	1341A	
	AIR NEW SOURCE PERMITS	PERMIT	1766	
	AIR NEW SOURCE PERMITS	PERMIT	4136	
	AIR NEW SOURCE PERMITS	PERMIT	4238A	
	AIR NEW SOURCE PERMITS	PERMIT	10296	
	AIR NEW SOURCE PERMITS	PERMIT	10323A	
	AIR NEW SOURCE PERMITS	PERMIT	10352A	
	AIR NEW SOURCE PERMITS	PERMIT	10675A	
	AIR NEW SOURCE PERMITS	PERMIT	10840A	
	AIR NEW SOURCE PERMITS	PERMIT	11427A	
	AIR NEW SOURCE PERMITS	PERMIT	11801	
	AIR NEW SOURCE PERMITS	PERMIT	11801A	
	AIR NEW SOURCE PERMITS	PERMIT	13805A	
	AIR NEW SOURCE PERMITS	PERMIT	13806A	
	AIR NEW SOURCE PERMITS	PERMIT	15606	
	AIR NEW SOURCE PERMITS	PERMIT	16351	
	AIR NEW SOURCE PERMITS	PERMIT	19806	
	AIR NEW SOURCE PERMITS	PERMIT	22052	
	AIR NEW SOURCE PERMITS	PERMIT	24187	
	AIR NEW SOURCE PERMITS	PERMIT	28410	
	AIR NEW SOURCE PERMITS	PERMIT	37317	
	AIR NEW SOURCE PERMITS	PERMIT	40807	
	AIR NEW SOURCE PERMITS	PERMIT	43252	
	AIR NEW SOURCE PERMITS	PERMIT	43536	
	AIR NEW SOURCE PERMITS	PERMIT	44268	
	AIR NEW SOURCE PERMITS	PERMIT	44488	
	AIR NEW SOURCE PERMITS	PERMIT	44686	
	AIR NEW SOURCE PERMITS	PERMIT	44927	
	AIR NEW SOURCE PERMITS	PERMIT	46307	
	AIR NEW SOURCE PERMITS	PERMIT	46426	
	AIR NEW SOURCE PERMITS	PERMIT	46456	
	AIR NEW SOURCE PERMITS	PERMIT	47147	
	AIR NEW SOURCE PERMITS	PERMIT	47393	
	AIR NEW SOURCE PERMITS	PERMIT	48550	
	AIR NEW SOURCE PERMITS	PERMIT	49829	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100031	
	AIR NEW SOURCE PERMITS	REGISTRATION	70703	
	AIR NEW SOURCE PERMITS	REGISTRATION	71443	
	AIR NEW SOURCE PERMITS	REGISTRATION	71687	
	AIR NEW SOURCE PERMITS	PERMIT	50761	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX999	
	AIR NEW SOURCE PERMITS	REGISTRATION	77348	
	AIR NEW SOURCE PERMITS	REGISTRATION	77347	
	AIR NEW SOURCE PERMITS	REGISTRATION	77346	
	AIR NEW SOURCE PERMITS	REGISTRATION	77345	
	AIR NEW SOURCE PERMITS	REGISTRATION	77344	
	AIR NEW SOURCE PERMITS	REGISTRATION	77343	
	AIR NEW SOURCE PERMITS	REGISTRATION	78118	
	AIR NEW SOURCE PERMITS	REGISTRATION	79933	
	AIR NEW SOURCE PERMITS	REGISTRATION	79799	
	AIR NEW SOURCE PERMITS	REGISTRATION	80271	
	AIR NEW SOURCE PERMITS	REGISTRATION	80019	
	AIR NEW SOURCE PERMITS	REGISTRATION	79947	
	AIR NEW SOURCE PERMITS	REGISTRATION	80340	
	AIR NEW SOURCE PERMITS	REGISTRATION	80916	
	AIR NEW SOURCE PERMITS	REGISTRATION	80921	
	AIR NEW SOURCE PERMITS	REGISTRATION	81648	
	AIR NEW SOURCE PERMITS	REGISTRATION	81669	
	AIR NEW SOURCE PERMITS	REGISTRATION	81662	
	AIR NEW SOURCE PERMITS	REGISTRATION	82280	
	AIR NEW SOURCE PERMITS	REGISTRATION	82797	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008072134	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30417	

GENERATION
STORMWATER
IHW CORRECTIVE ACTION

(SWR)
PERMIT
SOLID WASTE REGISTRATION #
(SWR)

TXR05N796
30417

Location: 8600 PARK PLACE BLVD, HOUSTON, TX, 77017 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 18, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 18, 2002 to September 18, 2007

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

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 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.

Effective Date: 04/26/2007

ADMINORDER 2005-0257-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

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

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

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

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

Rqmt Prov: Special Condition 3.E PERMIT
Description: Failed to ensure that there were not screwed connections on lines greater than two inches in diameter.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 12 I. PERMIT
Description: Failed to repair 97 components within 15 days after discovering a leak.

Classification: Moderate

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

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

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

Classification: Major

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

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

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

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter H 116.814(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Provision 7.E. OP

Special Condition 1.E (v) OP

Special Condition No. 12.E PERMIT

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

Classification: Moderate

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

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

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

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

Classification: Minor

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

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

Rqmt Prov: Special Condition 7.B.(i). OP

Description: Failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels.

Classification: Minor

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

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #46307, SC #1 PERMIT

Description: Failure to prevent unauthorized emissions of 1,290 lbs of VOCs.

Effective Date: 04/26/2007

ADMINORDER 2007-0073-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failure to prevent unauthorized emissions from Tank 851 during a cleaning process on September 14, 2006, resulting in an avoidable emissions event.

Classification: Minor

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

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

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

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Effective Date: 08/31/2007

ADMINORDER 2007-0365-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
Description: Failure to prevent unauthorized emissions during a December 28, 2006 emissions event.

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
Description: Failed to prevent unauthorized emissions during a December 18, 2006 emissions event.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	01/09/2003	(17886)
2	01/17/2003	(17931)
3	02/19/2003	(21171)
4	03/13/2003	(25806)
5	03/13/2003	(26455)
6	04/21/2003	(27289)
7	05/20/2003	(29901)
8	06/18/2003	(36257)
9	07/09/2003	(98190)
10	07/15/2003	(114135)
11	07/21/2003	(114195)
12	08/08/2003	(40801)
13	08/11/2003	(130767)
14	08/26/2003	(149809)
15	08/28/2003	(152866)
16	10/17/2003	(249451)
17	10/30/2003	(152888)
18	11/18/2003	(249532)
19	01/02/2004	(254540)
20	01/08/2004	(258394)
21	01/15/2004	(255521)
22	01/23/2004	(258353)
23	01/28/2004	(256991)
24	01/28/2004	(257009)
25	02/10/2004	(255227)
26	02/10/2004	(256355)
27	04/12/2004	(260974)
28	04/20/2004	(255875)
29	05/26/2004	(262402)
30	06/10/2004	(270492)
31	06/15/2004	(270507)
32	07/09/2004	(270285)

33	07/13/2004	(268259)
34	07/26/2004	(277574)
35	07/29/2004	(279114)
36	07/30/2004	(278578)
37	08/11/2004	(288425)
38	08/11/2004	(288800)
39	08/18/2004	(276597)
40	08/30/2004	(282027)
41	08/31/2004	(291888)
42	08/31/2004	(285908)
43	10/08/2004	(335087)
44	10/11/2004	(333747)
45	10/18/2004	(336459)
46	10/18/2004	(336854)
47	10/19/2004	(335878)
48	10/26/2004	(291758)
49	11/02/2004	(339528)
50	11/11/2004	(289544)
51	11/11/2004	(292795)
52	11/22/2004	(339425)
53	12/13/2004	(339426)
54	12/16/2004	(293258)
55	01/05/2005	(345579)
56	01/21/2005	(342214)
57	02/03/2005	(349418)
58	02/18/2005	(345797)
59	04/07/2005	(347336)
60	04/07/2005	(347331)
61	04/18/2005	(374447)
62	04/19/2005	(377616)
63	05/05/2005	(373870)
64	05/10/2005	(380624)
65	05/13/2005	(373465)
66	05/31/2005	(376325)
67	06/06/2005	(378762)
68	07/07/2005	(394060)
69	08/08/2005	(394042)
70	08/11/2005	(374658)
71	08/23/2005	(404475)
72	08/23/2005	(402060)
73	08/24/2005	(402041)
74	08/24/2005	(333418)
75	08/26/2005	(401337)
76	08/29/2005	(404046)
77	08/29/2005	(405738)
78	08/31/2005	(418954)
79	08/31/2005	(402446)
80	09/27/2005	(405860)
81	02/23/2006	(455880)
82	02/25/2006	(456997)
83	02/27/2006	(457159)
84	02/28/2006	(457074)
85	03/13/2006	(450068)
86	03/13/2006	(450024)
87	03/13/2006	(450051)
88	04/04/2006	(458283)
89	04/04/2006	(458271)
90	04/04/2006	(461031)
91	04/28/2006	(458466)
92	05/30/2006	(480219)
93	05/30/2006	(480237)
94	05/30/2006	(480292)
95	05/30/2006	(480297)
96	05/30/2006	(480287)
97	05/30/2006	(480133)
98	05/30/2006	(471013)
99	05/30/2006	(480300)
100	05/30/2006	(480289)
101	05/30/2006	(459802)
102	05/30/2006	(480277)
103	05/30/2006	(480141)

104	05/30/2006	(480099)
105	05/30/2006	(480302)
106	05/30/2006	(480303)
107	05/30/2006	(480304)
108	05/30/2006	(480245)
109	05/30/2006	(480305)
110	05/30/2006	(480306)
111	05/30/2006	(480308)
112	05/30/2006	(480311)
113	05/30/2006	(480313)
114	05/30/2006	(480314)
115	05/30/2006	(480315)
116	05/30/2006	(480233)
117	05/30/2006	(480265)
118	05/30/2006	(478963)
119	05/30/2006	(480222)
120	05/30/2006	(480200)
121	05/30/2006	(480206)
122	05/30/2006	(480282)
123	05/30/2006	(477634)
124	05/30/2006	(480186)
125	05/31/2006	(480637)
126	05/31/2006	(480638)
127	05/31/2006	(480639)
128	05/31/2006	(480640)
129	05/31/2006	(480641)
130	05/31/2006	(480642)
131	05/31/2006	(480643)
132	05/31/2006	(480644)
133	05/31/2006	(480645)
134	05/31/2006	(480646)
135	05/31/2006	(480530)
136	05/31/2006	(480647)
137	05/31/2006	(480648)
138	05/31/2006	(480649)
139	05/31/2006	(480651)
140	05/31/2006	(480653)
141	05/31/2006	(480468)
142	05/31/2006	(480654)
143	05/31/2006	(480610)
144	05/31/2006	(480655)
145	05/31/2006	(480226)
146	05/31/2006	(480656)
147	05/31/2006	(480244)
148	05/31/2006	(480569)
149	05/31/2006	(480631)
150	05/31/2006	(480197)
151	05/31/2006	(480263)
152	05/31/2006	(480425)
153	05/31/2006	(480445)
154	05/31/2006	(480455)
155	05/31/2006	(480246)
156	05/31/2006	(480623)
157	05/31/2006	(480242)
158	05/31/2006	(480502)
159	05/31/2006	(480634)
160	05/31/2006	(480214)
161	05/31/2006	(480635)
162	05/31/2006	(480254)
163	05/31/2006	(480866)
164	05/31/2006	(480479)
165	07/21/2006	(481873)
166	07/21/2006	(481904)
167	07/21/2006	(481780)
168	07/27/2006	(459885)
169	08/08/2006	(462831)
170	08/28/2006	(488585)
171	08/28/2006	(488528)
172	08/28/2006	(488643)
173	08/31/2006	(488584)
174	10/30/2006	(487750)

175 11/17/2006 (518574)
 176 12/05/2006 (532642)
 177 12/21/2006 (534110)
 178 12/21/2006 (534106)
 179 01/04/2007 (534107)
 180 02/01/2007 (533800)
 181 02/07/2007 (539409)
 182 03/02/2007 (538543)
 183 03/09/2007 (542643)
 184 03/20/2007 (542634)
 185 03/30/2007 (512156)
 186 04/25/2007 (557786)
 187 05/08/2007 (542720)
 188 05/09/2007 (538778)
 189 07/06/2007 (566435)
 190 07/26/2007 (567778)
 191 08/20/2007 (572373)
 192 08/24/2007 (573306)
 193 09/07/2007 (593363)
 194 09/11/2007 (594099)
 195 09/14/2007 (593593)

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

Date: 06/30/2003 (60730)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 Description: Failure to control emissions of heavy oils (12 Carbons- 20 Carbons).
 Date: 08/08/2003 (40801)
 Self Report? NO Classification Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to not cause, suffer, allow, or permit air contaminants in violation of commission rules.
 Self Report? NO Classification Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to be authorized by a commission rule and permitted air contaminants in violation of commission rules
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
 Description: Failure to meet the record keeping requirements that TPC submit the proper compound descriptive type of all individually listed compounds or mixtures of air contaminants.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Failure to meet the record keeping requirements that TPC submit the proper authorized emissions limits for the facility involved in the final record.
 Date: 02/10/2004 (255227)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 Description: Failure to maintain opacity of emissions within the allowable limit of 20% for a period of six minutes at Boiler Nos. 4 and 8.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA TCEQ Air Permit 1341A
 Description: Failure to comply with special provision No. 3 of TCEQ Air permit #1341A.
 Date: 05/26/2004 (262402)
 Self Report? NO Classification Major
 Citation: 30 TAC Chapter 106, SubChapter X 106.532(1)(O)[G]
 30 TAC Chapter 115, SubChapter B 115.137(a)(2)
 Rqmt Prov: PA September 4, 2000
 Description: Failure to adhere to permit conditions, such that the psia of 2.0 for the fuel oil in the wastewater treatment system exceeded the permitted and regulated limits.
 Date: 08/30/2004 (282027)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
 30 TAC Chapter 101, SubChapter F 101.201(b)(12)
 Description: The company failed to submit additional information 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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
Rqmt Prov: PERMIT TCEQ Air Permit No. 46307, SC 9C
Description: Failure to control smoke from a flare resulting in an exceedance of the 5 minute time period in any two hours.

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

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

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to submit the final record for an emissions event
Date: 06/06/2005 (378762)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to maintain opacity of emissions less than 20% at the Boiler #9 Stack.
Date: 08/08/2005 (394042)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
Description: Failure to submit information by the due date.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
Description: Failure to obtain a permit amendment for emissions from the D-100 Tower.
Date: 08/26/2005 (401337)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
Rqmt Prov: PERMIT TCEQ VERP Permit 46307 SC 8B
Description: Failed to meet the requirements specified under TCEQ Source Sampling Procedure Manual Appendix P, 5.1.1.3, which requires samples should be drawn from either the vertical section near the base of the riser pipe or the top of a horizontal section prior to the riser pipe at a location where the pipe will be full.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
30 TAC Chapter 116, SubChapter H 116.814(a)
Rqmt Prov: PERMIT TCEQ VERP 46307 GC 7
PERMIT TCEQ VERP 46307 SC 8B
Description: Failed to document "Zero Air Check", "Stabilization Time" and "Water Blank Check" as required by Manual Appendix P.
Date: 03/13/2006 (450024)

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

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

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO emissions when the RATA was conducted for the Nox and O2 analyzers.
Date: 07/31/2006 (459885)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)
Description: RE failed to submit stack test reports on time.
Date: 08/29/2006 (466376)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Found to be in violation of 30 TAC Chapter 101.4 and 5C THC Chapter 382.085(b)

for failure to control emissions.

Date: 08/31/2006 (488584)
Self Report? NO Classification Minor

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

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open ended lines.
Self Report? NO Classification Minor

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

Rqmt Prov: OP O-01598, SC 1
Description: Failure to plug open-ended lines.
Self Report? NO Classification Minor

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

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification Minor

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

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification Minor

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

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification Minor

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

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open-ended lines.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with 30 TAC 1170206(i) by operating pump between the hours of 6:00 AM to noon.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A

Description: Failure to document presence and frequency of drips and to the sensor that 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.

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

Date: 12/21/2006 (534110)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1

Description: Release of unauthorized emissions that exceeded a reportable quantity.

Date: 12/21/2006 (534106)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1

Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Date: 08/21/2007 (572373)

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: Failure to demonstrate an affirmative defense.

F. Environmental audits.

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

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1510-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Texas Petrochemicals owns and operates a chemical manufacturing plant at 8600 Park Place Boulevard in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Texas Petrochemicals agree that the Commission has jurisdiction to enter this Agreed Order, and that Texas Petrochemicals is subject to the Commission's jurisdiction.
4. Texas Petrochemicals received notice of the violations alleged in Section II ("Allegations") on or about September 22, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Texas Petrochemicals of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Two Hundred Sixty-Six Dollars (\$10,266) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Texas Petrochemicals has paid Four Thousand One Hundred Seven Dollars (\$4,107) of the administrative penalty and Two Thousand Fifty-Three Dollars (\$2,053) is deferred

contingent upon Texas Petrochemicals' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Texas Petrochemicals fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Texas Petrochemicals to pay all or part of the deferred penalty. Four Thousand One Hundred Six Dollars (\$4,106) 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 an August 14, 2007 emissions event, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 20, 2007. Specifically, during the August 14, 2007 emissions event, the following unauthorized Highly Reactive Volatile Organic Compound emissions were released from the water line to the 4D-67 Tower in the Dimethyl Formamide Unit over a period of 22 minutes: 1,056.0 pounds ("lbs") of 1,3-butadiene and 5.0 lbs of butene. Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to properly notify the TCEQ of an emissions event that occurred on August 14, 2007, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 20, 2007. Specifically, the preconstruction authorization of the facility involved in the emissions event was not identified in the final report.

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. 2007-1510-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, Four Thousand One Hundred Six Dollars (\$4,106) 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:
 - i. Identify an operating parameter for the affected equipment (4D-67 Tower) that will be monitored and alarmed to help provide early indication of a potential environmental release;
 - ii. Connect an alternate, higher pressure source of water to the 4D-67 Tower in order to minimize the severity of a leak if a similar event was to occur, until the soft water header can be replaced as stated in Ordering Provision No. 3.b. below;
 - iii. Add check valve inspections to turnaround lists where the check valves are needed to prevent utility cross contamination; and
 - iv. Implement measures designed to ensure proper reporting of emissions events.
 - b. Within 240 days after the effective date of this Agreed Order, replace the soft water system in the following areas: power plant to the north absorber, DMF, 7th Street,

Raffinate Train, and Olefins. This replacement shall include approximately 6,670 feet of soft water piping.

- c. Within 255 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 Nos. 3.a. and 3.b. 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:

Air Section, Manager
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.

Texas Petrochemicals LP
DOCKET NO. 2007-1510-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

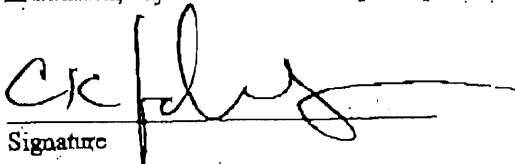
11/16/2007
Date

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

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

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

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


Signature

10/20/07
Date

Kirk Johnson
Name (Printed or typed)
Authorized Representative of
Texas Petrochemicals LP

Plant Manager
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: 2007-1510-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Texas Petrochemicals LP

Payable Penalty Amount: Eight Thousand Two Hundred Thirteen Dollars (\$8,213)

SEP Amount: Four Thousand One Hundred Six Dollars (\$4,106)

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

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 Petrochemicals LP
Agreed Order – Attachment A

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.

