

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-0385-AIR-E **TCEQ ID:** RN104964267 **CASE NO.:** 35499  
**RESPONDENT NAME:** Texas Petrochemicals LP

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Port Neches Operations C4 Plant, 2102 Spur 136, Port Neches, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Industrial organic chemicals plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two pending enforcement actions regarding this facility location, Docket Nos. 2008-0043-AIR-E and 2008-0182-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 4, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Michael Bankston, Plant Manager, Texas Petrochemicals LP, 2102 Spur 136, Port Neches, Texas 77651  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 4 - 16, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 25, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to identify in the final record of the reportable emissions event which occurred on November 28, 2007 (TCEQ Incident Number 100552), the compound descriptive type of all air contaminants and the estimated total quantities of those compounds. Specifically, the final report did not identify Nitrogen Oxides ("NOx"), Carbon Monoxide ("CO") and Volatile Organic Compound ("VOC") as compounds released or their estimated quantities, only the unauthorized amount rather than the total amount of 1,3-Butadiene released was reported [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), Federal Operating Permit ("FOP") No. O-01327, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions of 78.90 pounds ("lbs") of 1,3-Butadiene, 2.33 lbs of NOx, and 16.62 lbs of CO from the North/South flares (EPN: UWN6R1 and UW6R1) due to improper line-up of Tank 12 in the Butadiene Tank Farm, which created a blocked flow condition resulting in a release from a pressure relief valve at the final wash tower (N5D1). The emissions event began on November 28, 2007 and lasted for 20 minutes (TCEQ Incident Number 100552). Since the emissions event was avoidable</p>	<p><b>Total Assessed:</b> \$3,224</p> <p><b>Total Deferred:</b> \$644  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,580</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent revised the procedures in place for a reportable emissions event and conducted training on January 16, 2008 for the environmental staff to ensure accurate and timely reporting of such events. Additionally, on December 14, 2007, the emissions event was reviewed with the responsible operator, who acknowledged an understanding of, and commitment to, established operating procedures and their impact on environmental compliance. On January 29, 2008, daily orders from operations were revised to help ensure prevention of similar causes of emissions events.</p>

<p>and not properly reported in the final report, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), FOP No. O-01327, GTC and SC 15A, Air Permit No. 20485, SC 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): AIR JEA007G





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	3-Mar-2008	Screening	5-Mar-2008	EPA Due	30-Nov-2008
	PCW	12-Mar-2008				

## RESPONDENT/FACILITY INFORMATION

Respondent	Texas Petrochemicals LP		
Reg. Ent. Ref. No.	RN104964267		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	35499	No. of Violations	2	
Docket No.	2008-0385-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Daniel Siringi	
Multi-Media		EC's Team	Enforcement Team 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**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for two (2) orders with denial of liability, one (1) NOV with same or similar violations, and two (2) NOVs without same or similar violations in the past five years at this Plant.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Before NOV      NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	(mark with x)

Notes: The Respondent completed all the corrective actions on January 29, 2008.

**Total EB Amounts**   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.

Notes

Final Penalty Amount 

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty 

### DEFERRAL

 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** 5-Mar-2008

**Docket No.** 2008-0385-AIR-E

**PCW**

**Respondent** Texas Petrochemicals LP

Policy Revision 2 (September 2002)

**Case ID No.** 35499

PCW Revision January 29, 2008

**Reg. Ent. Reference No.** RN104964267

**Media [Statute]** Air

**Enf. Coordinator** Daniel Siringi

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

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)** 49%

>> **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**

Enhancement for two (2) orders with denial of liability, one (1) NOV with same or similar violations, and two (2) NOVs without same or similar violations in the past five years at this Plant.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 49%

<b>Screening Date</b> 5-Mar-2008	<b>Docket No.</b> 2008-0385-AIR-E	<b>PCW</b>
<b>Respondent</b> Texas Petrochemicals LP	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35499	<i>PCW Revision January 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN104964267		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Daniel Siringi		
<b>Violation Number</b> 1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.201(b)(1)(G) and (H) and 122.143(4), Federal Operating Permit ("FOP") No. O-01327, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F, and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to identify in the final record of the reportable emissions event which occurred on November 28, 2007 (TCEQ Incident Number 100552), the compound descriptive type of all air contaminants and the estimated total quantities of those compounds. The final report did not identify Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Volatile Organic Compound (VOC) as compounds released or their estimated quantities, only the unauthorized amount rather than the total amount of 1,3-Butadiene released was reported.	

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="1%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	x	

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Texas Petrochemicals LP  
**Case ID No.** 35499  
**Reg. Ent. Reference No.** RN104964267  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

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	\$1,500	29-Nov-2007	16-Jan-2008	0.1	\$10	n/a	\$10
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	29-Nov-2007	16-Jan-2008	0.1	\$7	n/a	\$7

**Notes for DELAYED costs** Estimated costs for the implementation of new Plant procedures concerning emissions event reporting requirements and training of staff. Date required is 24 hours after the Plant discovered the event and the final date is the date that all corrective actions were completed.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$2,500

**TOTAL** \$16

Screening Date 5-Mar-2008

Docket No. 2008-0385-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 35499

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), FOP No. O-01327, GTC and SC 15A, Air Permit No. 20485, SC 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions of 78.90 pounds ("lbs") of 1,3-Butadiene, 2.33 lbs of NOx and 16.62 lbs of CO from the North/South flares (EPN: UWN6R1 and UW6R1) due to improper line-up of Tank 12 in the Butadiene Tank Farm, which created a blocked flow condition resulting in a release from a pressure relief valve at the final wash tower (N5D1). The emissions event began on November 28, 2007 and lasted for 20 minutes (TCEQ Incident Number 100552). Since the emissions event was avoidable and not properly reported in the final report, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Texas Petrochemicals LP  
**Case ID No.** 35499  
**Reg. Ent. Reference No.** RN104964267  
**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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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)	\$3,600	28-Nov-2007	29-Jan-2008	0.2	\$30	n/a	\$30

**Notes for DELAYED costs**  
 Estimated costs of reviewing established operating procedures with staff and revising operations of daily orders to help ensure prevention of similar emissions events. Date required is date of the emissions event and final date is the date all corrective actions were completed.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$3,500

**TOTAL** \$30

## Compliance History

Customer/Respondent/Owner-Operator:	CN600130322	Texas Petrochemicals LP	Classification: AVERAGE	Rating: 7.47
Regulated Entity:	RN104964267	PORT NECHES OPERATIONS C4 PLANT	Classification: AVERAGE	Site Rating: 4.85
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXR000069476
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		87942
	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT		50396
	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT		50396
	AIR OPERATING PERMITS	PERMIT		1327
	AIR NEW SOURCE PERMITS	REGISTRATION		79464
	AIR NEW SOURCE PERMITS	PERMIT		20485
	AIR NEW SOURCE PERMITS	REGISTRATION		80323
	AIR NEW SOURCE PERMITS	REGISTRATION		80330
	AIR NEW SOURCE PERMITS	PERMIT		12599
	AIR NEW SOURCE PERMITS	PERMIT		13377
	AIR NEW SOURCE PERMITS	PERMIT		23141
	AIR NEW SOURCE PERMITS	PERMIT		32823
	AIR NEW SOURCE PERMITS	PERMIT		33285
	AIR NEW SOURCE PERMITS	PERMIT		36831
	AIR NEW SOURCE PERMITS	PERMIT		40103
	AIR NEW SOURCE PERMITS	PERMIT		42061
	AIR NEW SOURCE PERMITS	PERMIT		42324
	AIR NEW SOURCE PERMITS	PERMIT		44454
	AIR NEW SOURCE PERMITS	PERMIT		45278
	AIR NEW SOURCE PERMITS	PERMIT		46059
	AIR NEW SOURCE PERMITS	PERMIT		46489
	AIR NEW SOURCE PERMITS	PERMIT		47513
	AIR NEW SOURCE PERMITS	PERMIT		47939
	AIR NEW SOURCE PERMITS	PERMIT		49429
	AIR NEW SOURCE PERMITS	PERMIT		49615
	AIR NEW SOURCE PERMITS	PERMIT		51027
	AIR NEW SOURCE PERMITS	PERMIT		51587
	AIR NEW SOURCE PERMITS	PERMIT		51889
	AIR NEW SOURCE PERMITS	PERMIT		52313
	AIR NEW SOURCE PERMITS	PERMIT		52531
	AIR NEW SOURCE PERMITS	PERMIT		52583
	AIR NEW SOURCE PERMITS	PERMIT		53005
	AIR NEW SOURCE PERMITS	PERMIT		53808
	AIR NEW SOURCE PERMITS	PERMIT		54057
	AIR NEW SOURCE PERMITS	PERMIT		55077
	AIR NEW SOURCE PERMITS	PERMIT		56738
	AIR NEW SOURCE PERMITS	PERMIT		70023
	AIR NEW SOURCE PERMITS	PERMIT		70858
	AIR NEW SOURCE PERMITS	PERMIT		71038
	AIR NEW SOURCE PERMITS	PERMIT		71126
	AIR NEW SOURCE PERMITS	PERMIT		71130
	AIR NEW SOURCE PERMITS	PERMIT		71975
	AIR NEW SOURCE PERMITS	PERMIT		71986
	AIR NEW SOURCE PERMITS	PERMIT		72336
	AIR NEW SOURCE PERMITS	PERMIT		72802
	AIR NEW SOURCE PERMITS	PERMIT		73601
	AIR NEW SOURCE PERMITS	PERMIT		75064
	AIR NEW SOURCE PERMITS	PERMIT		76510
	AIR NEW SOURCE PERMITS	PERMIT		76627
	AIR NEW SOURCE PERMITS	PERMIT		77217
	AIR NEW SOURCE PERMITS	PERMIT		78199
	AIR NEW SOURCE PERMITS	PERMIT		49295
	AIR NEW SOURCE PERMITS	PERMIT		53515
	AIR NEW SOURCE PERMITS	PERMIT		72329
	AIR NEW SOURCE PERMITS	PERMIT		74096
	AIR NEW SOURCE PERMITS	PERMIT		76932

AIR NEW SOURCE PERMITS	PERMIT	44812
AIR NEW SOURCE PERMITS	PERMIT	46604
AIR NEW SOURCE PERMITS	PERMIT	79036
AIR NEW SOURCE PERMITS	PERMIT	79198
AIR NEW SOURCE PERMITS	REGISTRATION	79122
AIR NEW SOURCE PERMITS	REGISTRATION	44685
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JEA007G
AIR NEW SOURCE PERMITS	AFS NUM	4824500715
PETROLEUM STORAGE TANK	REGISTRATION	35486
<b>REGISTRATION</b>		

Location: 2102 SPUR 136, PORT NECHES, TX, 77651 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 05, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 05, 2003 to March 05, 2008

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

Name: Daniel Siringi Phone: (409) 899-8799

**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: 08/31/2007 ADMINORDER 2007-0080-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter D 305.64(g)  
40 CFR Chapter 270, SubChapter I, PT 270, SubPT D 270.40(b)  
5B THC Chapter 361, SubChapter A 361.085

Description: Failure to secure financial assurance within six months of obtaining ownership or operational control of permitted unit.

Effective Date: 11/09/2007 ADMINORDER 2007-0488-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20485 Special Condition 1 PERMIT  
FOP 1327 General Terms and Conditions OP  
FOP 1327 Special Condition 15 OP

Description: Failure to maintain emissions below the allowable emission limits of the Maximum Allowable Emission Rates Table (MAERT) of Permit 20485. The MAERT of Permit 20485 does not authorize emissions from Tank 25 Discharge Line. MOD 2(D) EIC A8(c)(2(A)(II))

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 09/25/2006 (509296)
- 2 11/01/2006 (510843)
- 3 11/27/2006 (515231)
- 4 12/18/2006 (534458)
- 5 12/22/2006 (516848)
- 6 12/28/2006 (516774)

7 01/17/2007 (534894)  
 8 01/17/2007 (534961)  
 9 02/28/2007 (539917)  
 10 03/20/2007 (539234)  
 11 07/03/2007 (563967)  
 12 07/03/2007 (563963)  
 13 08/16/2007 (570181)  
 14 10/03/2007 (593660)  
 15 10/03/2007 (593677)  
 16 11/19/2007 (595271)  
 17 12/21/2007 (595889)  
 18 01/04/2008 (488636)  
 19 01/09/2008 (598390)  
 20 01/14/2008 (613800)  
 21 02/25/2008 (613954)

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

Date: 07/03/2007 (563963)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(14)  
 30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(iv)  
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(j)(4)  
 Rqmt Prov: PERMIT P.P.II.C.1.p  
 PERMIT P.P.II.C.2.i  
 Description: Failure to test for all associated alarms and parameters during the automatic waste feed cut-off monthly test as required by the permit.

Date: 07/03/2007 (563967)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(a)(1)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(a)(2)  
 Rqmt Prov: PERMIT P.P.II.C.1.I  
 PERMIT P.P.II.C.2.a  
 Description: Failure to conduct the required daily inspections of the hazardous waste tanks for malfunctions, deteriorations, operator errors, and discharges.

Date: 07/03/2007 (563967)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)  
 Rqmt Prov: PERMIT P.P.II.C.1.I  
 PERMIT P.P.II.C.2.a  
 Description: Failure to input the date and signature of the inspector on the daily inspection logs.

Date: 07/03/2007 (563967)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
 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)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
 Description: Failure to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

Date: 07/03/2007 (563967)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
 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)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
 Description: Failure to include the addresses of the emergency coordinators in the facility's contingency plan. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date.

Date: 07/03/2007 (563967)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)  
 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)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to conduct annual training for all personnel involved in hazardous waste management.

Date: 01/09/2008 (598390)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01327 General Terms and Conditions  
OP O-01327 Special Condition 18

Description: Failure to submit an annual permit compliance certification (ACC) report within 30 days of the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01327 General Terms and Conditions

Description: Failure to submit a semiannual deviation report in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01327 General Terms and Conditions

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01327 General Terms and Conditions  
OP O-01327 Special Condition 1D

Description: Failure to submit semiannual reports within 30 days of the end of the reporting period.

F. Environmental audits.  
N/A

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

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  
RN104964267**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0385-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 ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial organic chemicals plant at 2102 Spur 136 in Port Neches, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 1, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Two Hundred Twenty-Four Dollars (\$3,224) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Eighty Dollars (\$2,580).



of the administrative penalty and Six Hundred Forty-Four Dollars (\$644) is deferred contingent upon the Respondent's 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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent revised the procedures in place for a reportable emissions event and conducted training on January 16, 2008 for the environmental staff to ensure accurate and timely reporting of such events. Additionally, on December 14, 2007, the emissions event was reviewed with the responsible operator, who acknowledged an understanding of, and commitment to, established operating procedures and their impact on environmental compliance. On January 29, 2008, daily orders from operations were revised to help ensure prevention of similar causes of emissions events.
10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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, the Respondent is alleged to have:

1. Failed to identify in the final record of the reportable emissions event which occurred on November 28, 2007 (TCEQ Incident Number 100552), the compound descriptive type of all air contaminants and the estimated total quantities of those compounds, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), Federal Operating Permit ("FOP") No. O-01327, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 4 through 16, 2008. Specifically, the final report did not identify Nitrogen Oxides ("NOx"), Carbon Monoxide ("CO") and Volatile Organic Compound ("VOC") as compounds released or their estimated quantities, only the unauthorized amount rather than the total amount of 1,3-Butadiene released was reported.



2. Failed to prevent unauthorized emissions of 78.90 pounds ("lbs") of 1,3-Butadiene, 2.33 lbs of NOx, and 16.62 lbs of CO from the North/South flares (EPN: UWN6R1 and UW6R1) due to improper line-up of Tank 12 in the Butadiene Tank Farm, which created a blocked flow condition resulting in a release from a pressure relief valve at the final wash tower (N5D1), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), FOP No. O-01327, GTC and SC 15A, Air Permit No. 20485, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 4 through 16, 2008. The emissions event began on November 28, 2007 and lasted for 20 minutes (TCEQ Incident Number 100552). Since the emissions event was avoidable and not properly reported in the final report, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's 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. 2008-0385-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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
4. 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.



5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

  
\_\_\_\_\_  
For the Executive Director

8/25/2008  
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

5/27/08  
Date

Michael Bankston  
\_\_\_\_\_  
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.

