

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0726-AIR-E TCEQ ID: RN102457520 CASE NO.: 35819
RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

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: TOTAL PETRO CHEMICALS USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petroleum refinery</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. 2007-0172-AIR-E, 2007-1427-AIR-E, 2008-0243-AIR-E, 2008-0413-AIR-E, and 2008-0989-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 October 20, 2008. 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: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Darrell Jacob, Refinery Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 849, Port Arthur, Texas 77641 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

TEXAS COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2008 OCT - 6 PM 2:39
 CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 20, 2008</p> <p>Date of NOV/NOE Relating to this Case: April 24, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to report emission events timely. Specifically, the initial reports for Incident Nos. 102056 and 102314 which occurred on January 3, 2008 at 3:07 p.m. and January 8, 2008 at 6:30 p.m. were not reported until January 4, 2008 at 5:10 p.m. and January 11, 2008 at 4:16 p.m. respectively [30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (B)].</p> <p>2) Failure to prevent the release of unauthorized contaminants into the atmosphere. Specifically, 623.48 pounds ("lbs") of volatile organic compounds ("VOCs") were released into the atmosphere from Tank 454 that occurred on January 3 through January 4, 2008, lasting 29 hours and 13 minutes; and 1752.45 lbs of VOCs were released into the atmosphere from Tank 452 that occurred January 8 through January 9, 2008, lasting 19 hours and 10 minutes. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit No. 49743, Maximum Allowable Emission Sources - Special Condition 1].</p>	<p>Total Assessed: \$15,496</p> <p>Total Deferred: \$3,099 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,198</p> <p>Total Paid to General Revenue: \$6,199</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted the emission event reports for Incident Nos. 102056 and 102314 on January 4, 2008 at 5:10 p.m. and January 11, 2008 at 4:16 p.m., respectively.</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, conduct a review of the adequacy of Plant measures designed to minimize unauthorized emissions during refilling of tanks and upcoming maintenance procedures. If this review identifies additional measures that are warranted, prepare a plan to implement such measures; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): Air Permit No. 49743, SWR30002, TPDES 0004201

Attachment A
Docket Number: 2008-0726-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TOTAL PETROCHEMICALS USA, INC.

Payable Penalty Amount: Twelve Thousand Three Hundred Ninety-Seven Dollars (\$12,397)

SEP Amount: Six Thousand One Hundred Ninety-Eight Dollars (\$6,198)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses

Location of SEP: Jefferson 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 shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

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:

TOTAL PETROCHEMICALS USA, INC.
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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

DATES	Assigned	28-Apr-2008	Screening	30-Apr-2008	EPA Due	1-Oct-2008
	PCW	30-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	TOTAL PETROCHEMICALS USA, INC.
Reg. Ent. Ref. No.	RN102457520
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35819	No. of Violations	2
Docket No.	2008-0726-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	198% Enhancement	Subtotals 2, 3, & 7	\$10,296
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Notes: An enhancement is recommended for having three NOV's with same or similar violations, 19 NOV's that are non-similar, six agreed final enforcement orders containing a denial of liability, and one agreed final enforcement order without a denial of liability.

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

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

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

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$200	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,496
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$15,496
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,496
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DEFERRAL	20% Reduction	Adjustment	-\$3,099
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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	\$12,397
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Screening Date 30-Apr-2008 **Docket No.** 2008-0726-AIR-E
Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 35819
Reg. Ent. Reference No. RN102457520
Media [Statute] Air
Enf. Coordinator J. Craig Fleming

PCW

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

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 NOV meeting criteria)	3	15%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 198%

>> 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 An enhancement is recommended for having three NOVs with same or similar violations, 19 NOVs that are non-similar, six agreed final enforcement orders containing a denial of liability, and one agreed final enforcement order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 198%

Screening Date	30-Apr-2008	Docket No.	2008-0726-AIR-E	PCW
Respondent	TOTAL PETROCHEMICALS USA, INC.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35819			<i>PCW Revision March 8, 2008</i>
Reg. Ent. Reference No.	RN102457520			
Media [Statute]	Air			
Enf. Coordinator	J. Craig Fleming			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(A) and (B)			
Violation Description	Failed to report emission events timely. Specifically, the initial reports for Incident Nos. 102056 and 102314 which occurred on January 3, 2008 at 3:07 p.m. and January 8, 2008 at 6:30 p.m. were not reported until January 4, 2008 at 5:10 p.m. and January 11, 2008 at 4:16 p.m. respectively.			
	Base Penalty	\$10,000		

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	
					1%
Matrix Notes	Most, but not all (at least 70 percent) of a rule is met.				
	Adjustment	\$9,900			

\$100

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty

Two single events (one for each incident report) are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$596"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$596"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 35819

Reg. Ent. Reference No. RN102457520

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
<small>No commas or \$</small>							

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	\$100	4-Jan-2008	11-Jan-2008	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 The approximate cost to train personnel on how to use the automated reporting system to ensure that all emission events are reported timely and accurately. The Date Required was the date the first report was due. The Final Date is the date the second final report was submitted.

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

N/A

Approx. Cost of Compliance \$100

TOTAL \$0

Screening Date	30-Apr-2008	Docket No.	2008-0726-AIR-E	PCW
Respondent	TOTAL PETROCHEMICALS USA, INC.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	35819			<i>PCW Revision March 8, 2008</i>
Reg. Ent. Reference No.	RN102457520			
Media [Statute]	Air			
Enf. Coordinator	J. Craig Fleming			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Permit No. 49743, Maximum Allowable Emission Sources - Special Condition 1

Violation Description

Failed to prevent the release of unauthorized contaminants into the atmosphere. Specifically, 623.48 lbs of volatile organic compounds ("VOCs") were released into the atmosphere from Tank 454 on January 3 through January 4, 2008, lasting 29 hours and 13 minutes; and 1752.45 lbs of VOCs were released into the atmosphere from Tank 452 that occurred January 8 through January 9, 2008, lasting 19 hours and 10 minutes. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Emissions above the permitted limit have exposed human health or the environment 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

<i>mark only one with an x</i>	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

Two quarterly events (one for each incident) are 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 TOTAL PETROCHEMICALS USA, INC.
Case ID No. 35819
Reg. Ent. Reference No. RN102457520
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
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	\$100	3-Jan-2008	1-Dec-2008	0.9	\$5	n/a	\$5
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

The approximate cost to develop and implement operating procedures to abate emissions in a timely manner in order to minimize the release of unauthorized air contaminants. The Date Required was the date when the violation first occurred. The Final Date is the projected compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$100

TOTAL

\$5

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	TOTAL PETROCHEMICALS USA, INC.	Classification: AVERAGE	Rating: 3.02
Regulated Entity:	RN102457520	TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 10.86
ID Number(s):	WASTEWATER	PERMIT		WQ0000491000
	WASTEWATER	PERMIT		TPDES0004201
	WASTEWATER	PERMIT		TX0004201
	AIR NEW SOURCE PERMITS	PERMIT		16778
	AIR NEW SOURCE PERMITS	PERMIT		2347
	AIR NEW SOURCE PERMITS	PERMIT		3615
	AIR NEW SOURCE PERMITS	PERMIT		5694
	AIR NEW SOURCE PERMITS	PERMIT		9194
	AIR NEW SOURCE PERMITS	PERMIT		9195
	AIR NEW SOURCE PERMITS	PERMIT		10183
	AIR NEW SOURCE PERMITS	PERMIT		10908
	AIR NEW SOURCE PERMITS	PERMIT		10970
	AIR NEW SOURCE PERMITS	PERMIT		11273
	AIR NEW SOURCE PERMITS	PERMIT		11710
	AIR NEW SOURCE PERMITS	PERMIT		12697
	AIR NEW SOURCE PERMITS	PERMIT		14781
	AIR NEW SOURCE PERMITS	PERMIT		16423
	AIR NEW SOURCE PERMITS	PERMIT		16424
	AIR NEW SOURCE PERMITS	PERMIT		16840
	AIR NEW SOURCE PERMITS	PERMIT		5694A
	AIR NEW SOURCE PERMITS	PERMIT		8983A
	AIR NEW SOURCE PERMITS	PERMIT		9195A
	AIR NEW SOURCE PERMITS	PERMIT		9194A
	AIR NEW SOURCE PERMITS	PERMIT		9193A
	AIR NEW SOURCE PERMITS	PERMIT		17352
	AIR NEW SOURCE PERMITS	PERMIT		17920
	AIR NEW SOURCE PERMITS	PERMIT		18936
	AIR NEW SOURCE PERMITS	PERMIT		19490
	AIR NEW SOURCE PERMITS	PERMIT		19965
	AIR NEW SOURCE PERMITS	PERMIT		20381
	AIR NEW SOURCE PERMITS	PERMIT		35330
	AIR NEW SOURCE PERMITS	PERMIT		35329
	AIR NEW SOURCE PERMITS	PERMIT		36873
	AIR NEW SOURCE PERMITS	PERMIT		41280
	AIR NEW SOURCE PERMITS	PERMIT		43109
	AIR NEW SOURCE PERMITS	PERMIT		43981
	AIR NEW SOURCE PERMITS	PERMIT		44046
	AIR NEW SOURCE PERMITS	PERMIT		45378
	AIR NEW SOURCE PERMITS	PERMIT		46060
	AIR NEW SOURCE PERMITS	PERMIT		46396
	AIR NEW SOURCE PERMITS	PERMIT		47047
	AIR NEW SOURCE PERMITS	PERMIT		47520
	AIR NEW SOURCE PERMITS	PERMIT		48595
	AIR NEW SOURCE PERMITS	PERMIT		48600
	AIR NEW SOURCE PERMITS	PERMIT		49417
	AIR NEW SOURCE PERMITS	PERMIT		49743
	AIR NEW SOURCE PERMITS	PERMIT		49982
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		JE0005H
	AIR NEW SOURCE PERMITS	PERMIT		72108
	AIR NEW SOURCE PERMITS	PERMIT		51719
	AIR NEW SOURCE PERMITS	PERMIT		49136
	AIR NEW SOURCE PERMITS	PERMIT		54026
	AIR NEW SOURCE PERMITS	PERMIT		54742
	AIR NEW SOURCE PERMITS	REGISTRATION		84487
	AIR NEW SOURCE PERMITS	REGISTRATION		55151
	AIR NEW SOURCE PERMITS	REGISTRATION		55631

AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	REGISTRATION	83825
AIR NEW SOURCE PERMITS	EPA ID	P762
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073M1
AIR NEW SOURCE PERMITS	REGISTRATION	84507
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR NEW SOURCE PERMITS	EPA ID	P762M2
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 29, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 29, 2003 to April 29, 2008

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

Name: J. Craig Fleming Phone: (512) 239-5806

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: 09/25/2003 ADMINORDER 2003-0119-AIR-E
Classification: Moderate

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

Rqmt Prov: SC3 PERMIT
Description: Failure to sample cooling towers for volatile organic compounds.

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT
SC2 PERMIT

SC2B PERMIT
SC3H PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)

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

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004

ADMINORDER 2002-1051-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 8 PERMIT

Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 19C PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

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

Rqmt Prov: GC8 PERMIT

SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: GC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: GC 8 PERMIT

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

Effective Date: 01/08/2005

ADMINORDER 2003-1481-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

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

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

Effective Date: 03/03/2005

ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 46396, Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 46396, SC 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT

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

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Rqmt Prov: SC 2 PERMIT

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

Effective Date: 03/21/2005

ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

Effective Date: 05/25/2007

ADMINORDER 2006-1095-AIR-E

Classification: Minor

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

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Classification: Major

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

Rqmt Prov: 16840 and PSD-TX-688M2 PERMIT

Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Major

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

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

Description: Failure to maintain the VOC emission rate below 7.56 lb/hr at the FPM Cooling Tower during the time described by Incident No. 71740.

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	05/08/2003	(33263)
2	05/21/2003	(157200)
3	05/28/2003	(60762)
4	05/30/2003	(60547)
5	06/23/2003	(157204)
6	07/16/2003	(112393)
7	07/21/2003	(157208)
8	08/19/2003	(147506)
9	08/21/2003	(147314)
10	08/21/2003	(295015)
11	08/29/2003	(33657)
12	08/29/2003	(31893)
13	09/22/2003	(295017)
14	10/17/2003	(152374)
15	10/21/2003	(295019)
16	11/10/2003	(140784)
17	11/21/2003	(295020)
18	12/15/2003	(252528)
19	12/17/2003	(253859)
20	12/22/2003	(295021)
21	01/07/2004	(251647)
22	01/14/2004	(259132)
23	01/16/2004	(257106)
24	01/21/2004	(295022)
25	02/18/2004	(262253)
26	02/23/2004	(295004)
27	02/25/2004	(263664)
28	03/05/2004	(258714)
29	03/18/2004	(259900)
30	03/22/2004	(295006)

31	03/30/2004	(332764)
32	04/08/2004	(265693)
33	04/19/2004	(295007)
34	04/23/2004	(264889)
35	04/28/2004	(269294)
36	05/21/2004	(295009)
37	05/25/2004	(271847)
38	06/15/2004	(271209)
39	06/17/2004	(275130)
40	06/17/2004	(273769)
41	06/22/2004	(295011)
42	06/23/2004	(269696)
43	07/12/2004	(269851)
44	07/21/2004	(295013)
45	07/29/2004	(269691)
46	08/16/2004	(281567)
47	08/17/2004	(280413)
48	08/17/2004	(286899)
49	08/17/2004	(283908)
50	08/23/2004	(351943)
51	08/31/2004	(280247)
52	08/31/2004	(285080)
53	09/21/2004	(351944)
54	09/27/2004	(282656)
55	10/21/2004	(351945)
56	11/12/2004	(291212)
57	11/18/2004	(351946)
58	11/29/2004	(337787)
59	12/07/2004	(341531)
60	12/14/2004	(269700)
61	12/17/2004	(351947)
62	01/11/2005	(345742)
63	01/11/2005	(286852)
64	01/11/2005	(345734)
65	01/11/2005	(345047)
66	01/21/2005	(381770)
67	02/21/2005	(381768)
68	03/11/2005	(346656)
69	03/11/2005	(350459)
70	03/11/2005	(348120)
71	03/17/2005	(381769)
72	03/29/2005	(372850)
73	04/22/2005	(419600)
74	04/27/2005	(345893)
75	05/19/2005	(419601)
76	06/15/2005	(394699)
77	06/16/2005	(395449)
78	06/17/2005	(380022)
79	06/17/2005	(395181)
80	06/21/2005	(393771)
81	06/21/2005	(419602)
82	06/27/2005	(394004)
83	06/27/2005	(375095)
84	07/08/2005	(380986)
85	07/12/2005	(379108)
86	07/13/2005	(395545)
87	07/18/2005	(398333)
88	07/18/2005	(396246)
89	07/21/2005	(440742)
90	08/08/2005	(400586)
91	08/08/2005	(400578)
92	08/08/2005	(395607)
93	08/10/2005	(398204)

94	08/14/2005	(402622)
95	08/14/2005	(400928)
96	08/15/2005	(404442)
97	08/15/2005	(399684)
98	08/15/2005	(403311)
99	08/15/2005	(371587)
100	08/19/2005	(440743)
101	08/31/2005	(340674)
102	08/31/2005	(402164)
103	09/19/2005	(440744)
104	10/21/2005	(468272)
105	11/04/2005	(431104)
106	11/04/2005	(436336)
107	11/04/2005	(435646)
108	11/15/2005	(405196)
109	11/15/2005	(436413)
110	11/15/2005	(435255)
111	11/15/2005	(436155)
112	11/15/2005	(434630)
113	11/18/2005	(435866)
114	11/18/2005	(435774)
115	11/18/2005	(435804)
116	11/18/2005	(435798)
117	11/21/2005	(468273)
118	12/07/2005	(435751)
119	12/12/2005	(404612)
120	12/15/2005	(468274)
121	01/18/2006	(449944)
122	01/19/2006	(440180)
123	01/19/2006	(439503)
124	01/23/2006	(468275)
125	01/24/2006	(452104)
126	02/06/2006	(437341)
127	02/07/2006	(453479)
128	02/07/2006	(450128)
129	02/13/2006	(450178)
130	02/13/2006	(450341)
131	02/15/2006	(454193)
132	02/21/2006	(468270)
133	02/24/2006	(452413)
134	02/24/2006	(450992)
135	03/21/2006	(468271)
136	04/10/2006	(454251)
137	04/18/2006	(455136)
138	04/21/2006	(498089)
139	04/28/2006	(462859)
140	05/11/2006	(461924)
141	05/11/2006	(463343)
142	05/11/2006	(465492)
143	05/11/2006	(465525)
144	05/11/2006	(464460)
145	05/11/2006	(464168)
146	05/11/2006	(464473)
147	05/11/2006	(464467)
148	05/11/2006	(465518)
149	05/11/2006	(465489)
150	05/12/2006	(463148)
151	05/12/2006	(451451)
152	05/12/2006	(454148)
153	05/12/2006	(454494)
154	05/22/2006	(498090)
155	05/22/2006	(464542)
156	05/30/2006	(461199)

157	06/14/2006	(480809)
158	06/22/2006	(498091)
159	06/28/2006	(465850)
160	07/21/2006	(520109)
161	07/25/2006	(482058)
162	07/27/2006	(485194)
163	08/23/2006	(520110)
164	08/31/2006	(460545)
165	09/19/2006	(520111)
166	09/22/2006	(510639)
167	10/20/2006	(544367)
168	11/15/2006	(517804)
169	11/22/2006	(544368)
170	12/21/2006	(544369)
171	12/28/2006	(335708)
172	12/29/2006	(431565)
173	01/12/2007	(531450)
174	01/18/2007	(532164)
175	01/23/2007	(544370)
176	01/29/2007	(531801)
177	02/01/2007	(538715)
178	02/01/2007	(537518)
179	02/02/2007	(497612)
180	02/05/2007	(466788)
181	02/14/2007	(539270)
182	02/14/2007	(540328)
183	02/21/2007	(575101)
184	02/23/2007	(540617)
185	03/19/2007	(538927)
186	03/20/2007	(575102)
187	04/09/2007	(542889)
188	04/21/2007	(540306)
189	04/26/2007	(575103)
190	05/02/2007	(557540)
191	05/16/2007	(573950)
192	05/16/2007	(652271)
193	05/17/2007	(554816)
194	05/18/2007	(554787)
195	05/18/2007	(575104)
196	05/21/2007	(558572)
197	06/20/2007	(575105)
198	06/28/2007	(558540)
199	07/10/2007	(565190)
200	07/11/2007	(560069)
201	07/11/2007	(542342)
202	07/20/2007	(575106)
203	07/23/2007	(567241)
204	08/06/2007	(567736)
205	08/10/2007	(652719)
206	08/10/2007	(574318)
207	08/14/2007	(543994)
208	08/20/2007	(601546)
209	08/30/2007	(564577)
210	09/17/2007	(601547)
211	09/20/2007	(593858)
212	09/26/2007	(573894)
213	10/23/2007	(619450)
214	10/23/2007	(619453)
215	10/26/2007	(596024)
216	11/08/2007	(594034)
217	11/15/2007	(653101)
218	11/16/2007	(595084)
219	11/20/2007	(619451)

220 11/27/2007 (594170)
 221 11/27/2007 (598818)
 222 12/10/2007 (610704)
 223 12/21/2007 (594470)
 224 12/21/2007 (619452)
 225 01/16/2008 (612034)
 226 01/31/2008 (613691)
 227 02/01/2008 (614929)
 228 02/06/2008 (615511)
 229 02/07/2008 (616836)
 230 02/08/2008 (652166)
 231 03/03/2008 (616883)
 232 03/03/2008 (617277)
 233 03/03/2008 (613917)
 234 03/03/2008 (616879)
 235 03/03/2008 (616707)
 236 03/10/2008 (614708)
 237 03/14/2008 (637140)
 238 04/03/2008 (619010)
 239 04/03/2008 (618981)
 240 04/07/2008 (638446)
 241 04/07/2008 (640577)
 242 04/09/2008 (636187)
 243 04/09/2008 (637830)
 244 04/24/2008 (641834)

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

Date 03/30/2004 (332764)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date 03/31/2004 (295007)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 04/26/2004 (264889)
 Self Report? NO Classification Minor
 Rqmt Prov: PERMIT WQ 491-000
 Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.
 Self Report? NO Classification Minor
 Rqmt Prov: PERMIT WQ 491-000
 Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.
 Self Report? NO Classification Minor
 Rqmt Prov: PERMIT WQ 491-000
 Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.
 Self Report? NO Classification Minor
 Rqmt Prov: PERMIT WQ 491-000
 Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to be positioned between DD7 North Lateral 1A monitoring well OMB #2

monitoring well OWB #2.

Self Report? NO Classification Minor
 Rqmt Prov: PERMIT WQ 491-000
 Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
 The permittee was not able to furnish information regarding when the flow meter was last calibrated.
 The permittee was not able to furnish information regarding when the flow meter was last calibrated.

Date 03/29/2005 (372850)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121
 Description: Failure to have a monitoring plan.

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Description: Failure to maintain vent on ground storage tank.

Date 11/30/2005 (468274)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2006 (468270)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 04/10/2006 (454251)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 Rqmt Prov: PERMIT PC, 2g
 Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification Minor
 Rqmt Prov: PERMIT OpR, No. 1
 Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification Minor
 Rqmt Prov: PERMIT Opr, No. 1
 Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Date 05/31/2006 (461199)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: The facility failed to update the notice of registration

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
 Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
 Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

Date 06/30/2006 (520109)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2006 (544370)
 Self Report? YES Classification Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2007 (575103)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/16/2007 (573950)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THC Chapter 341, SubChapter A 341.0315(c)		
Description:	Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.		
Date	05/16/2007 (652271)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	TOTAL TRIHALOMETHANES		
Date	08/10/2007 (652719)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	TOTAL TRIHALOMETHANES		
Date	08/10/2007 (574318)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THC Chapter 341, SubChapter A 341.0315(c)		
Description:	Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.		
Date	08/30/2007 (571169)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 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:	PERMIT 18936 and PSD-TX-762M2, SC 7 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack. MOD (2)(D) EIC B18		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 18936 and PSD-TX-762M2, SC 1A PERMIT 18936 and PSD-TX-762M2, SC 8 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain the 50 ppmv limit for Sulfur dioxide (SO2) on FCCU Regenerator Stack. MOD (2)(D) EIC B18		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 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:	PERMIT 18936 and PSD-TX-762M2, SC 8 OP O-01267, General Terms and Conditions OP O-01267, SC 27		

Description: Failure to maintain the venturi pressure at its minimum rate. MOD (2)(G) EIC B19g.(1)

Self Report? NO 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: PERMIT 46396, SC 4
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the minimum temperatures required while loading products at the dock flares. MOD (2)(G) EIC B19g.(1)

Self Report? NO 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: PERMIT 43109, SC 3A and B
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the permitted NOx and CO limits for Package Boilers H-300 and H-350. MOD (2)(D) EIC B18

Self Report? NO 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: PERMIT 56385, SC 3
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to monitor and record daily the food-to-microorganisms (F/M) ratio, the mixed liquid suspended solids (MLSS) ratio, and a residence time. MOD (2)(A) EIC B1

Self Report? NO 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: PERMIT 17352, SC 4C
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G) EIC B14

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01267 SC 15A
OP O-01267, General Terms and Conditions
OP O-01267, SC 1A

Description: Failure to conduct annual no-detectable emissions monitoring and quarterly inspections for containers managing benzene wastes. MOD (2)(A) EIC B1

Self Report? NO 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: PERMIT 56385, SC 12L
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to conduct quarterly visual inspections on unburied sewer lines. MOD (2)(A) EIC B1

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01267, General Terms and Conditions
 OP O-01267, SC 1A
 OP O-01267, SC 27

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service. MIN (3)(D) EIC C10

Self Report? NO **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: PERMIT 54026, SC 5D
 PERMIT 54026, SC 6
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27

Description: Failure to install analyzers on three flares, North, South, and Middle Flares, Unit Ids 41NORTHFLR, 53SOUTHFLR, and 41MIDFLRAE. MOD (2)(A) EIC

Self Report? NO **Classification** Minor

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

Rqmt Prov: OP O-01267, General Terms and Conditions
 OP O-01267, SC 1D

Description: Failure to submit a revision application to codify the requirements in the permit of 40 CFR Part 63, Subpart UUU and 30 TAC 113.780 by April 11, 2005, in FOP O-01267. Min (3)(C), EIC C3

Self Report? NO **Classification** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 5694A, GC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14

Self Report? NO **Classification** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 5694A, GC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14

Self Report? NO **Classification** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 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: PERMIT 8983A, SC 1
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14

Self Report? NO **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: PERMIT 56385, SC 3
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27

Description: Failure to maintain the food-to-microorganisms (F/M) ratio on the Enhanced

Biodegradation Unit Aeration Tanks A, B, and C. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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: PERMIT 9195A and PSD-TX-453M6, SC 5
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to maintain minimum flame temperatures for four consecutive
 calendar quarters. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 Description: Failure to submit a SDR no later than 30 days after the end of the November
 21, 2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3

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)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 Description: Failure to report the occurrence of deviations in semi-annual deviation reports
 and accurately certify an annual compliance certification. MOD (2)(B) EIC B3

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)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 Description: Failure to report the occurrence of deviations in semi-annual deviation reports
 and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, GC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC B18
 Date 11/15/2007 (653101)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES
 Date 11/27/2007 (608889)

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 20381, PSD-TX-1005, N-004, SC 7E
 OP O-02222, General Terms and Conditions
 OP O-02222, Special Condition 14

OP O-02222, Special Condition 1A
 Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.
 MIN(3)C), EIC C10
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 20381, PSD-TX-1005, N-044, SC 12
 OP O-02222, General Terms and Conditions
 OP O-02222, Special Condition 14
 Description: Failure to maintain emission rates below the allowable emission limits. MOD
 (2)(D), EIC B18
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)
 Rqmt Prov: PERMIT 20381, PSD-TX-1005, N-044, SC 21
 OP O-02222, General Terms and Conditions
 OP O-02222, Special Condition 14
 OP O-02222, Special Condition 1A
 Description: Failure to submit a report within the required timeframes. MOD (3)C), EIC C3
 Date 02/06/2008 (616836)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)
 Description: Failure to protect chlorination equipment and chlorine cylinders from adverse
 weather conditions.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failure to have wires in conduit (exposed wires in the electrical panel).
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
 Description: Failure to use NSF 60 nitrogen.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain an adequate chlorine residual.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
 Description: Failure to have a pressure gauge on the pressure tank.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
 Description: Failure to have an appropriate overflow flap on the ground storage tank.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)
 Description: Failure to record the amount of chemicals used each week.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(5)
 Description: Failure to repair leak on the valves near the ground storage tank.
 Date 02/08/2008 (652166)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES
 Date 03/05/2008 (614708)
 Self Report? NO Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Description: Failure to prevent the release of 35 barrels of FAS150 Petroleum Distillate on
 January 15, 2008 from Storage Tank 317.
 Date 03/14/2008 (614391)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PERMIT 18936 and PSD-TX-762M3
OP O-01267, Special Condition 27
Description: Failure to submit a stack test report within the required timeframe (60 days
after sampling was completed). C3 Minor

F. Environmental audits.

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
TOTAL PETROCHEMICALS USA,
INC.
RN102457520**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-0726-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 TOTAL PETROCHEMICALS USA, INC. ("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 a plant that processes various grades of crude oil into a variety of petroleum products at 7600 32nd Street, Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. 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 April 29, 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.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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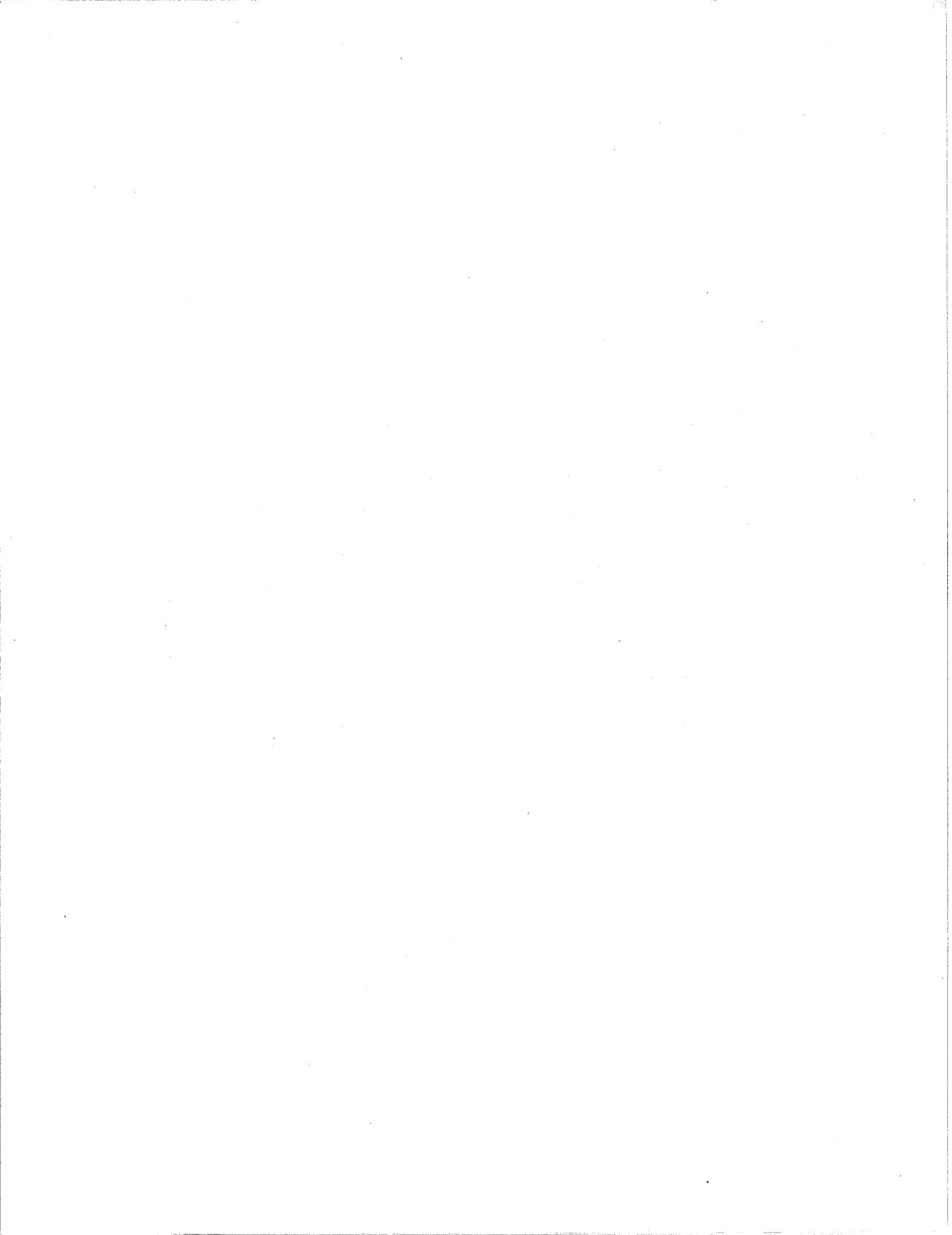
CHIEF CLERK'S OFFICE

6. An administrative penalty in the amount of Fifteen Thousand Four Hundred Ninety-Six Dollars (\$15,496) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand One Hundred Ninety-Nine Dollars (\$6,199) of the administrative penalty and Three Thousand Ninety-Nine Dollars (\$3,099) 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. Six Thousand One Hundred Ninety-Eight Dollars (\$6,198) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.
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 submitted the emission event reports for Incident Nos. 102056 and 102314 on January 4, 2008 at 5:10 p.m. and January 11, 2008 at 4:16 p.m., respectively.
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 report emission events timely, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (B), as documented during a record review conducted on March 20, 2008. Specifically, the initial reports for Incident Nos. 102056 and 102314 which occurred on January 3, 2008 at 3:07 p.m. and January 8, 2008 at 6:30 p.m. were not reported until January 4, 2008 at 5:10 p.m. and January 11, 2008 at 4:16 p.m. respectively.
2. Failed to prevent the release of unauthorized contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit No. 49743, Maximum Allowable Emission Sources - Special Condition 1, as documented during a record review conducted on March 20, 2008. Specifically, 623.48 pounds ("lbs") of volatile organic compounds ("VOCs") were released into the atmosphere from Tank 454 that occurred on



January 3 through January 4, 2008, lasting 29 hours and 13 minutes; and 1752.45 lbs of VOCs were released into the atmosphere from Tank 452 that occurred January 8 through January 9, 2008, lasting 19 hours and 10 minutes. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

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: TOTAL PETROCHEMICALS USA, INC., Docket No. 2008-0726-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 Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand One Hundred Ninety-Eight Dollars (\$6,198) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, conduct a review of the adequacy of Plant measures designed to minimize unauthorized emissions during refilling of tanks and upcoming maintenance procedures. If this review identifies additional measures that are warranted, prepare a plan to implement such measures; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. 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.
5. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 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.
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 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.

TOTAL PETROCHEMICALS USA, INC.
DOCKET NO. 2008-0726-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdelin

For the Executive Director

10/2/2008

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.

Darrell Jacob

Signature

August 12, 2008

Date

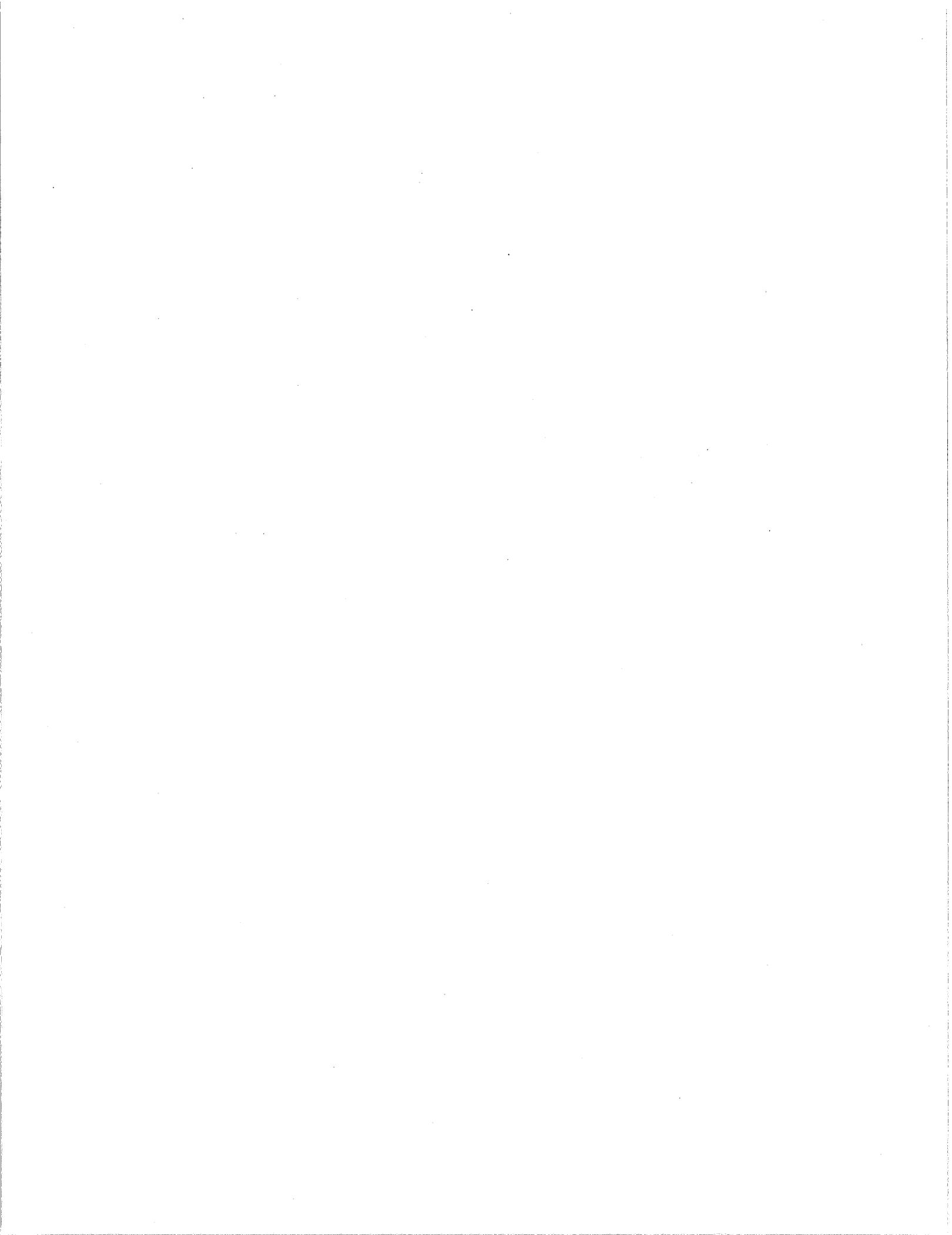
Darrell Jacob

Name (Printed or typed)
Authorized Representative of
TOTAL PETROCHEMICALS USA, INC.

Refinery Manager

Title

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



Attachment A
Docket Number: 2008-0726-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TOTAL PETROCHEMICALS USA, INC.
Payable Penalty Amount:	Twelve Thousand Three Hundred Ninety-Seven Dollars (\$12,397)
SEP Amount:	Six Thousand One Hundred Ninety-Eight Dollars (\$6,198)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Jefferson 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 shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

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:

TOTAL PETROCHEMICALS USA, INC.
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.

