

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-1425-AIR-E TCEQ ID: RN100212109 CASE NO.: 34551
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"/> IMMEDIATE 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 PETROCHEMICALS USA LA PORTE PLANT, 1818 South Battleground Road, LaPorte, Harris County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1593-AIR-E, 2007-1879-IWD-E, 2008-0162-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 February 25, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Ron Copeland, Environmental Coordinator, TOTAL PETROCHEMICALS USA, INC., 1818 South Battleground Road, LaPorte, Texas 77571 Mr. Darrell Bailey, Plant Manager, TOTAL PETROCHEMICALS USA, INC., 1818 South Battleground Road, LaPorte, Texas 77571 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 13, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 8, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions. Specifically, 240.21 pounds ("lbs") of propylene, 258.59 lbs of carbon monoxide, and 39.98 lbs of nitrogen oxide were released into the atmosphere due to Train 9 F-394 Bag Filter shutting down on a high level, resulting in propylene being routed to the Train 8 Flare (EPN: ES-805). The high level was caused by bridging of polymer at the bottom of the bag, which interfered with removal of polymer at the bottom of the filter. The emissions event occurred on May 12, 2007 and lasted seven hours. Since the emissions event was avoidable, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit 21538, Special Condition No. 6].</p> <p>2) Failed to submit the initial notification of a reportable emissions event within 24 hours of discovery. The event was discovered on May 12, 2007, but the initial report was not submitted to the TCEQ until May 14, 2007 [30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to prevent unauthorized emissions. Specifically, 433.70 lbs of propylene, 282.96 lbs of carbon monoxide</p>	<p>Total Assessed: \$17,697</p> <p>Total Deferred: \$3,539 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$14,158</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to ensure timely reporting of emissions events; and</p> <p>ii. Implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions events that occurred on May 11 and May 12, 2007.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provisions a.i. through a.ii. The certification shall include detailed supporting documentation including receipts, monitoring records, and/or other records to demonstrate compliance.</p>

<p>and 60.67 lbs of nitrogen oxide were released from the Monument 2 flare due to the control valve positioner failing and the Respondent did not have useful maintenance data on control valve reliability. The emissions event that occurred in the Propylene/Nitrogen Purification Unit ("PNRU") began on May 11, 2007 and lasted fifteen hours and fifty-five minutes. Since the emissions event was avoidable, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit 3908B, Special Condition No. 1].</p>		
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Additional ID No(s): HG0036S



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	4-Sep-2007	Screening	12-Sep-2004	EPA Due	26-May-2008
	PCW	21-Sep-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	TOTAL PETROCHEMICALS USA, INC.		
Reg. Ent. Ref. No.	RN100212109		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	34551	No. of Violations	3	
Docket No.	2007-1425-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Roshondra Lowe	
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 **Subtotals 2, 3, & 7**

Notes:

Culpability **Subtotal 4**

Notes:

Good Faith Effort to Comply **Subtotal 5**

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

Notes:

Other Adjustments **Subtotal 6**

Total EB Amounts	\$209	0% Enhancement*
Approx. Cost of Compliance	\$5,500	*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes:

PAYABLE PENALTY

Screening Date 12-Sep-2004 **Docket No.** 2007-1425-AIR-E
Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34551
Reg. Ent. Reference No. RN100212109
Media [Statute] Air
Enf. Coordinator Roshondra Lowe

PCW
 Policy Revision 2 (September 2002)
 PCW Revision June 26, 2007

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	8	40%
	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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 247%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Penalty enhanced due to eight NOVs for same or similar violations, six NOVs for unrelated issues, thirteen unrelated effluent discharge violations, six 1660-style Agreed Orders with denial of liability, and two Findings Orders without a denial of liability. Penalty reduction due to one Notice of an Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 247%

Screening Date 12-Sep-2004	Docket No. 2007-1425-AIR-E	PCW		
Respondent TOTAL PETROCHEMICALS USA, INC.		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34551		<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No. RN100212109				
Media [Statute] Air				
Enf. Coordinator Roshondra Lowe				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit 21538, Special Condition No. 6			
Violation Description	Failed to prevent unauthorized emissions. Specifically, 240.21 pounds ("lbs") of propylene, 258.59 lbs of carbon monoxide, and 39.98 lbs of nitrogen oxide were released into the atmosphere due to Train 9 F-394 Bag Filter shutting down on a high level, resulting in propylene being routed to the Train 8 Flare (EPN: ES-805). The high level was caused by bridging of polymer at the bottom of the bag, which interfered with removal of polymer at the bottom of the filter. The emissions event occurred on May 12, 2007 and lasted seven hours. Since the emissions event was avoidable TOTAL failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.			
	Base Penalty	<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	
	Potential	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="25%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
				Adjustment <input type="text" value="\$7,500"/>
				<input type="text" value="\$2,500"/>
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
			Violation Base Penalty	<input type="text" value="\$2,500"/>
One quarterly event is recommended.				
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$92"/>	Violation Final Penalty Total	<input type="text" value="\$8,675"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$8,675"/>

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34551
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$2,500	12-May-2007	4-Feb-2008	0.7	\$92	n/a	\$92

Notes for DELAYED costs

Estimated cost to implement measures designed to maintain the Train 9 F-394 Bag filters at normal levels. Date required based on date of the emissions event. Final date based on the projected date corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$92

Screening Date 12-Sep-2004	Docket No. 2007-1425-AIR-E	PCW														
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>														
Case ID No. 34551		<small>PCW Revision June 26, 2007</small>														
Reg. Ent. Reference No. RN100212109																
Media [Statute] Air																
Enf. Coordinator Roshondra Lowe																
Violation Number <input type="text" value="2"/>																
Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(A) and Tex. Health & Safety Code § 382.085(b)															
Violation Description	Failed to submit the Initial Notification of a reportable emissions event within 24 hours of discovery. The event was discovered on May 12, 2007, but the initial report was not submitted to the TCEQ until May 14, 2007.															
	Base Penalty	<input type="text" value="\$10,000"/>														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release	Major	Moderate	Minor												
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>												
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>												
			Percent	<input type="text" value="0%"/>												
>> Programmatic Matrix																
	Falsification	Major	Moderate	Minor												
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>												
				Percent												
				<input type="text" value="1%"/>												
Matrix Notes	<input type="text" value="Less than 30 percent of the rule requirement was not met."/>															
			Adjustment	<input type="text" value="\$9,900"/>												
				<input type="text" value="\$100"/>												
Violation Events																
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>												
				Violation Base Penalty												
				<input type="text" value="\$100"/>												
	<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>		
daily	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text" value="x"/>															
	<input type="text" value="One single event is recommended."/>															
Economic Benefit (EB) for this violation			Statutory Limit Test													
	Estimated EB Amount	<input type="text" value="\$18"/>	Violation Final Penalty Total	<input type="text" value="\$347"/>												
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$347"/>												

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34551

Reg. Ent. Reference No. RN100212109

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				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)	\$500	13-May-2007	4-Feb-2008	0.7	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to implement measures designed to notify TCEQ of reportable emissions events no later than 24 hours after the discovery of the event. Date required based on the date report was due to be submitted. Final date is based on the date the training is expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$18

Screening Date 12-Sep-2004	Docket No. 2007-1425-AIR-E	PCW		
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 34551		<small>PCW Revision June 26, 2007</small>		
Reg. Ent. Reference No. RN100212109				
Media [Statute] Air				
Enf. Coordinator Roshondra Lowe				
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit 3908B, Special Condition No. 1			
Violation Description	Failed to prevent unauthorized emissions. Specifically, 433.70 pounds ("lbs") of propylene, 282.96 lbs of carbon monoxide and 60.67 lbs of nitrogen oxide were released from the Monument 2 flare due to the control valve positioner failing and TOTAL did not have useful maintenance data on control valve reliability. The emissions event that occurred in the Propylene/Nitrogen Purification Unit (PNRU) began on May 11, 2007 and lasted fifteen hours and fifty-five minutes. Since the emissions event was avoidable TOTAL failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	25%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area 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 this violation.			
	Adjustment	\$7,500		
			\$2,500	
Violation Events				
	Number of Violation Events	1	Number of violation days	
		1		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty \$2,500	
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
	One quarterly event is recommended.			
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$99	Violation Final Penalty Total	
			\$8,675	
	This violation Final Assessed Penalty (adjusted for limits)		\$8,675	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34551
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$2,500	11-May-2007	24-Feb-2008	0.8	\$99	n/a	\$99

Notes for DELAYED costs

Estimated cost to implement measures to ensure useful maintenance data control valve reliability. Date required based on the date of the emissions event. Final date based on the projected date corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$99

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 3.02
 Regulated Entity: RN100212109 TOTAL PETROCHEMICALS USA LA PORTE PLANT Classification: AVERAGE SiteRating: 4.17

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0036S
	AIR OPERATING PERMITS	PERMIT	1293
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1010880
	AIR NEW SOURCE PERMITS	PERMIT	3908B
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0036S
	AIR NEW SOURCE PERMITS	PERMIT	5206B
	AIR NEW SOURCE PERMITS	PERMIT	54961
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX989
	AIR NEW SOURCE PERMITS	PERMIT	18153
	AIR NEW SOURCE PERMITS	PERMIT	54856
	AIR NEW SOURCE PERMITS	REGISTRATION	73925
	AIR NEW SOURCE PERMITS	REGISTRATION	77776
	AIR NEW SOURCE PERMITS	REGISTRATION	77782
	AIR NEW SOURCE PERMITS	REGISTRATION	78963
	AIR NEW SOURCE PERMITS	REGISTRATION	78962
	AIR NEW SOURCE PERMITS	REGISTRATION	16138
	AIR NEW SOURCE PERMITS	REGISTRATION	21538
	AIR NEW SOURCE PERMITS	REGISTRATION	41719
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0036S
	AIR NEW SOURCE PERMITS	AFS NUM	4820100008
	AIR NEW SOURCE PERMITS	PERMIT	2269C
	AIR NEW SOURCE PERMITS	PERMIT	5236B
	AIR NEW SOURCE PERMITS	PERMIT	35874
	AIR NEW SOURCE PERMITS	REGISTRATION	2560
	WASTEWATER	PERMIT	WQ0001000000
	WASTEWATER	PERMIT	TPDES0007421
	WASTEWATER	PERMIT	TX0007421
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD086981172
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30551
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50374
	WATER LICENSING	LICENSE	1010880
	STORMWATER	PERMIT	TXR05M372

Location: 1818 S BATTLEGROUND RD, LA PORTE, TX, 77571 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 14, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 20, 2002 to August 20, 2007

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

Name: Roshondra Lowe Phone: (713) 767-3553

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: 02/10/2005 ADMINORDER 2003-0089-AIR-E

Classification: Minor

Citation: 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: Failed to comply with emission limits stated in the Maximum Allowable Emission Rate Table (MAERT) for the Monument No. 2 Flare at emission point number (EPN) ES-205 and the Waste Heat Incinerator at EPN ES-202.

Classification: Minor

Citation: 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: SC3 PERMIT

Description: Failed to comply with the emission limits stated in the MAERT for the Train 8 Flare at EPN ES-805, respectively.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to make the notations of observations in the flare operation log regarding the EPNs ES-205 (Permit No. 3908B) and ES-805 (Permit No. 21538). Specifically, there was no documentation that the flares were observed, time of day, and whether or not they were smoking.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2[G]

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

Rqmt Prov: SC4 PERMIT

Description: Failed to make the first attempt to repair components with tag numbers 05068.2, 00925, 01112, 00012.1, 00076.1, 00305, 00446, 00669.1, 02637.2, 02707, 02715.1 within 5 calendar days after the leak was discovered and to complete the repair for the component with tag number 00008 within 15 days after the leak was discovered.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8[G]

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

Rqmt Prov: SC4 PERMIT

Description: Failed to conduct the initial performance test to determine the destruction efficiency of the Blender/Feeder Vent Gas Catalytic Oxidizer at EPN ES-975.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart DDD 60.565(k)

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

Rqmt Prov: SC4 PERMIT

Description: Failed to submit the semiannual reports.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain the records of operating hours and abrasive material usage for the outside abrasive blast cleaning activity.

Effective Date: 09/30/2005

ADMINORDER 2005-0146-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: 21538, S.C. 6 & 12.C PERMIT

Description: Failed to prevent unauthorized emissions at the Plant from the Train 8 Flare (EPN ES-805), causing the release of 3,466 pounds (lbs.) of propylene, 1,724 lbs. of carbon monoxide, 215 lbs. of nitrogen oxide, 24 lbs. of nitrogen dioxide to the atmosphere.

Classification: Moderate

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

Rqmt Prov: 3908B, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions at the Plant from the Monument 2 Flare (EPN ES-205), causing the release of 4,868 pounds (lbs.) of propylene, 1,724 lbs. of carbon monoxide, 215 lbs. of nitrogen oxide, 24 lbs. of nitrogen dioxide to the atmosphere.

Effective Date: 09/30/2005

ADMINORDER 2005-0171-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: TCEQ Air Permit No. 21538, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/05/2006

ADMINORDER 2005-0540-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 2 PERMIT

Description: Failed to prevent unauthorized emissions of 346.98 pounds (lbs) of volatile organic compounds (VOCs) and failed to operate the flare with a flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 21538, SC 12B PERMIT
TCEQ Air Permit No. 21538, SC 6 PERMIT

Description: Failed to prevent unauthorized emissions of 319.91 lbs of VOCs and failed to operate the flare with a flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 4,892.56 lbs of VOCs.

Effective Date: 03/06/2006

ADMINORDER 2004-2037-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Permit Condition 2.g. OP

Description: Failure to prevent unauthorized discharges (UDs) from the Outfall 001 collection system.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations OP

Description: Failure to comply with the permitted effluent limits for total suspended solids (TSS) and flow at Outfall 001.

Effective Date: 03/19/2007

ADMINORDER 2006-1040-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

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

Rqmt Prov: Special Condition No. 1 PERMIT
TCEQ Permit #3908B, SC #2 PERMIT

Description: Total is alleged to have failed to prevent unauthorized emissions during a May 14, 2006 emissions event.

Effective Date: 04/13/2007

ADMINORDER 2006-1656-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #21538, SC #6 PERMIT

Description: Failure to prevent unauthorized emissions during an emission event that started on June 26, 2006

Classification: Minor

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

Description: Failed to make initial notification within twenty-four hours after discovering the emissions event that started on June 26, 2006.

Effective Date: 08/10/2007

ADMINORDER 2006-2092-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

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

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failure to prevent unauthorized emissions during an August 20, 2006 emissions event.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

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

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failed to prevent unauthorized emissions during an August 21, 2006 emissions event.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

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

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failed to prevent unauthorized emissions during an August 29, 2006 emissions event.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/22/2002	(160555)
2	08/23/2002	(2246)
3	09/26/2002	(160559)
4	10/24/2002	(160562)
5	11/21/2002	(13305)
6	11/26/2002	(17533)
7	12/04/2002	(160566)
8	12/17/2002	(160570)
9	12/17/2002	(13606)
10	12/30/2002	(9673)
11	01/16/2003	(160574)
12	01/21/2003	(20384)
13	01/31/2003	(23088)
14	02/20/2003	(160532)
15	03/14/2003	(160556)
16	03/18/2003	(296374)
17	03/24/2003	(160535)
18	04/16/2003	(160540)
19	05/22/2003	(160544)
20	06/16/2003	(160548)
21	06/26/2003	(27171)
22	07/21/2003	(160552)
23	08/01/2003	(147147)
24	08/29/2003	(152894)
25	09/08/2003	(247910)
26	09/19/2003	(296385)
27	10/14/2003	(296390)
28	10/21/2003	(296387)
29	11/24/2003	(296388)
30	12/29/2003	(296389)
31	01/05/2004	(255495)
32	02/23/2004	(296371)

33	03/16/2004	(265480)
34	03/29/2004	(263338)
35	04/12/2004	(296375)
36	05/12/2004	(269428)
37	05/12/2004	(269433)
38	05/21/2004	(296378)
39	05/26/2004	(272485)
40	06/02/2004	(269938)
41	06/07/2004	(296382)
42	06/14/2004	(274068)
43	06/21/2004	(296380)
44	07/09/2004	(296376)
45	07/22/2004	(280434)
46	08/11/2004	(286884)
47	08/24/2004	(352560)
48	09/01/2004	(279062)
49	09/01/2004	(278961)
50	09/20/2004	(352561)
51	10/08/2004	(335547)
52	10/13/2004	(352562)
53	10/18/2004	(335599)
54	10/19/2004	(335923)
55	10/22/2004	(337805)
56	11/03/2004	(338415)
57	11/11/2004	(290843)
58	11/12/2004	(335862)
59	11/16/2004	(352563)
60	11/23/2004	(352564)
61	12/13/2004	(338130)
62	12/13/2004	(336657)
63	12/14/2004	(338399)
64	12/20/2004	(338479)
65	12/20/2004	(295860)
66	12/20/2004	(338218)
67	12/27/2004	(382038)
68	12/28/2004	(338056)
69	12/29/2004	(343604)
70	12/29/2004	(343603)
71	12/31/2004	(290574)
72	12/31/2004	(291344)
73	01/06/2005	(291924)
74	01/06/2005	(337400)
75	01/07/2005	(338040)
76	01/07/2005	(292094)
77	01/07/2005	(336686)
78	01/10/2005	(262199)
79	01/13/2005	(345723)
80	01/26/2005	(342525)
81	02/22/2005	(382035)
82	02/23/2005	(349878)
83	02/24/2005	(350282)
84	02/24/2005	(350275)
85	03/01/2005	(349965)
86	03/02/2005	(372226)
87	03/08/2005	(372848)
88	03/21/2005	(382036)
89	03/22/2005	(382037)
90	03/24/2005	(349942)
91	03/24/2005	(372227)
92	03/29/2005	(371421)
93	04/01/2005	(375065)
94	04/08/2005	(348307)
95	04/28/2005	(374278)
96	06/03/2005	(419886)
97	06/03/2005	(376795)
98	06/23/2005	(379202)
99	06/24/2005	(419887)
100	06/27/2005	(392492)
101	07/05/2005	(395955)
102	07/05/2005	(396243)
103	07/08/2005	(395152)
104	07/08/2005	(395145)
105	07/08/2005	(395147)
106	07/12/2005	(398015)
107	08/10/2005	(404200)

108	08/19/2005	(441002)
109	08/23/2005	(404907)
110	08/25/2005	(405920)
111	09/12/2005	(441005)
112	09/19/2005	(441003)
113	10/21/2005	(441004)
114	11/03/2005	(418739)
115	11/21/2005	(435975)
116	11/28/2005	(468737)
117	01/24/2006	(468738)
118	01/24/2006	(468739)
119	02/14/2006	(468736)
120	02/15/2006	(453303)
121	02/21/2006	(455020)
122	02/23/2006	(455888)
123	02/25/2006	(456928)
124	02/27/2006	(456559)
125	02/28/2006	(457140)
126	02/28/2006	(457170)
127	02/28/2006	(457150)
128	03/20/2006	(498411)
129	04/24/2006	(463428)
130	04/25/2006	(458264)
131	04/27/2006	(456175)
132	05/01/2006	(498412)
133	05/16/2006	(463577)
134	05/16/2006	(463907)
135	05/16/2006	(465691)
136	05/17/2006	(465592)
137	05/26/2006	(467560)
138	05/30/2006	(498413)
139	05/31/2006	(480475)
140	05/31/2006	(480470)
141	06/07/2006	(498416)
142	06/20/2006	(498414)
143	06/22/2006	(482925)
144	06/22/2006	(482832)
145	06/23/2006	(483058)
146	06/29/2006	(481055)
147	06/29/2006	(484017)
148	07/12/2006	(484022)
149	07/13/2006	(498415)
150	07/14/2006	(484429)
151	07/26/2006	(487037)
152	08/03/2006	(487671)
153	08/03/2006	(488357)
154	08/04/2006	(345748)
155	08/17/2006	(484538)
156	08/21/2006	(520418)
157	08/21/2006	(520420)
158	09/05/2006	(497455)
159	09/05/2006	(509499)
160	09/07/2006	(510865)
161	09/08/2006	(489217)
162	09/22/2006	(520419)
163	10/06/2006	(530970)
164	10/16/2006	(511833)
165	10/20/2006	(575734)
166	11/06/2006	(516491)
167	11/20/2006	(517197)
168	11/21/2006	(575735)
169	11/21/2006	(516694)
170	02/05/2007	(534573)
171	02/12/2007	(575728)
172	02/15/2007	(539452)
173	03/09/2007	(539872)
174	03/13/2007	(542326)
175	03/19/2007	(536804)
176	03/22/2007	(542671)
177	03/22/2007	(542675)
178	03/22/2007	(575729)
179	04/04/2007	(575733)
180	04/10/2007	(543717)
181	04/12/2007	(540389)

182 04/13/2007 (575730)
 183 04/23/2007 (556287)
 184 04/30/2007 (542574)
 185 05/08/2007 (559591)
 186 05/14/2007 (556174)
 187 05/16/2007 (555746)
 188 05/16/2007 (555751)
 189 05/16/2007 (575731)
 190 05/25/2007 (536112)
 191 05/30/2007 (556956)
 192 05/31/2007 (559123)
 193 05/31/2007 (559121)
 194 06/08/2007 (562000)
 195 06/08/2007 (555120)
 196 06/15/2007 (555757)
 197 06/18/2007 (561134)
 198 06/19/2007 (562094)
 199 06/20/2007 (561136)
 200 06/21/2007 (560635)
 201 06/21/2007 (560640)
 202 06/22/2007 (575732)
 203 06/25/2007 (560632)
 204 06/27/2007 (561137)
 205 07/05/2007 (560624)
 206 07/18/2007 (565537)
 207 07/24/2007 (561139)
 208 07/30/2007 (565237)
 209 08/13/2007 (566645)

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

Date: 10/31/2002 (160566)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/17/2003 (20384)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter O 305.535(c)(1)[G]
 Description: Failure to prevent unauthorized discharges from the collection system.
 Date: 01/31/2003 (160532)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2003 (160535)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/01/2003 (147147)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT 21538
 Description: Failure to meet the hourly MAERT limit for VOC, CO, and NOx.
 Date: 01/06/2004 (255495)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)
 Description: Atofina Petrochemicals, Inc. failed to make revisions to the second half of 2002, and the first half
 2003 semiannual reports.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
 API failed to include facts why repairs of leaking components with list components tag numbers in
 the PP9 Train were not made within 15 days in their semiannual reports.
 API failed to include facts why repairs of leaking components with list components tag numbers in
 the PP9 Train were not made within 15 days in thei
 Date: 03/29/2004 (263338)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA Permit No. 21538, Special Condition 6
 Description: The facility failed to control unauthorized emissions.

Date: 06/30/2004 (296382)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2004 (352561)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2004 (382038)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2005 (419887)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/22/2005 (379202)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 Description: Failure to properly seal the end of a line containing VOCs
 Date: 07/08/2005 (395145)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: Failure to update the Notice of Registration (NOR)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(I)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
 Description: Failure to conduct the inspection of containers on a regular weekly basis
 Date: 07/31/2005 (441002)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/15/2006 (453303)

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)
 Rqmt Prov: PERMIT NSR Permit 21538, Special Condition 6
 OP OP O-01293, Special Condition 11
 Description: Exceeded their MAERT limit because the temperature in the Enclosed Vapor Combustor was not maintain in order to achieve the destruction efficiency for VOC.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 4
 OP OP O-01293, Special Condition 11
 Description: Exceeded their VOC emissions limits in Train 7.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 10
 OP OP O-01293, Special Condition 11
 Description: Failed to measure the residual VOC concentration in Train 7 using an approved TCEQ test method.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.146(4)
 Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 18D
 OP OP O-01293, Special Condition 11
 Description: Failed to measure the residual VOC concentration in Trains 8 & 9 using an approved TCEQ test method.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Description: Failed to seal open-ended lines, which is a violation of 30 TAC 115.352(4) and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)
 PERMIT NSR Permit 2269C, Special Condition 19
 OP OP Permit O-01293, Special Condition 11
 Description: Exceeded their MAERT emissions limit for the cooling tower, which is a violation of 30 TAC
 116.115(b)(2)(F) and NSR 2269C S.C. 19.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 Description: Failed to perform a first attempt at repair for thirteen components, which is a violation of 30 TAC
 1115.782(b)(1) .
 Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
 Description: Exceeded the 3 percent threshold of difficult to monitor valves in relation to the total number of
 valves, which is a violation of 40 CFR 60.482-7(h)(2).
 Date: 05/31/2006 (498414)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/27/2006 (484538)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter C 37.251(d)
 Description: Failure to provide a FT demonstration 90 days after company's fiscal year - but was subsequently
 resolved on 7-21-06 when we received a financial test demonstration.
 Date: 10/06/2006 (530970)
 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
 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: 10/16/2006 (511833)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit #3908B, SC #1
 Description: TOTAL failed to control the temperature on the Monument 2 reboiler which resulted in
 unauthorized emissions.
 Date: 10/31/2006 (575735)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2007 (575730)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/11/2007 (540389)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(a)[G]
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)
 TWC Chapter 26 26.121[G]
 Description: Failure to prevent the unauthorized discharge from the collection system.
 Date: 04/30/2007 (575731)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/25/2007 (536112)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.146(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA 21538, SC 13
 OP O-1293, Special Conditions 1 & 11
 Description: Failure of maintain the required destruction efficiency for the Train 8 and Train 9 Enclosed Vapor

Combustor ES-976.
 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: OP 1293, Special Condition
 PA 2269C, SC 2
 Description: Failure to control non-fugitive emissions of gases to the atmosphere from rupture discs.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Part 60, Subpart DDD 60.562-1(a)(1)(I)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP 1293, SC 1
 PA 21538, SC 5
 Description: Failure to maintain the required average temperature entering the catalyst bed to ensure destruction efficiency for Blender/Feeder Vent Gas Catalytic Oxidizer (ES-975).

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: OP 1293, Special Condition 1
 PA 2269C, SC1
 Description: Exceeded permit limits at Monument I Pellet Handling System during December 2005.

Self Report? NO Classification: Moderate
 Citation: 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)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA 18153, SC No. 8E
 PA 21538, SC No. 1E
 PA 2269C, SC No. 11E
 PA 3908B, SC No. 4E
 OP O-01293, SC No. 11
 Description: Failure to ensure that each open-ended line is equipped with a cap or plug.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 Rqmt Prov: OP O-01293, General Terms and Conditions
 Description: Failure to submit the annual compliance certification to the TCEQ no later than 30 days after the end of the certification period.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 Rqmt Prov: OP O-01293, General Terms and Conditions
 Description: Failure to submit the six-month deviation report no later than 30 days after the end of the deviation period.
 Date: 05/31/2007 (575732)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/12/2007 (555757)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: The RE failed to report the emissions of CO and NO in the Final (14-day) Report. While these emissions did not exceed an RQ, 30 TAC 101.201(b)(1)(G,H) still requires that these emissions be included in the Final Report.
 Date: 07/24/2007 (561139)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT Air Permit No. 3908B Special Condition 1
 Description: TOTAL failed to avoid the unauthorized emissions during Incident No. 87379.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: TOTAL failed to submit the initial notification within 24 hours of the discovery of the emissions event.

F. Environmental audits.

Notice of Intent Date: 04/16/2004 (274485)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOTAL PETROCHEMICALS USA,
INC.
RN100212109

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1425-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. ("TOTAL") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and TOTAL appear before the Commission and together stipulate that:

1. TOTAL owns and operates a petrochemical plant at 1818 South Battleground Road in LaPorte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and TOTAL agree that the Commission has jurisdiction to enter this Agreed Order, and that TOTAL is subject to the Commission's jurisdiction.
4. TOTAL received notice of the violations alleged in Section II ("Allegations") on or about August 13, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by TOTAL of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand Six Hundred Ninety-Seven Dollars (\$17,697) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). TOTAL has paid Fourteen Thousand One Hundred Fifty-Eight Dollars

(\$14,158) of the administrative penalty and Three Thousand Five Hundred Thirty-Nine Dollars (\$3,539) is deferred contingent upon TOTAL'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 TOTAL fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require TOTAL 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 TOTAL have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that TOTAL has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit 21538, Special Condition No. 6, as documented during an investigation conducted on July 13, 2007. Specifically, 240.21 pounds ("lbs") of propylene, 258.59 lbs of carbon monoxide, and 39.98 lbs of nitrogen oxide were released into the atmosphere due to Train 9 F-394 Bag Filter shutting down on a high level, resulting in propylene being routed to the Train 8 Flare (EPN: ES-805). The high level was caused by bridging of polymer at the bottom of the bag, which interfered with removal of polymer at the bottom of the filter. The emissions event occurred on May 12, 2007 and lasted seven hours. Since the emissions event was avoidable TOTAL failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
2. Failed to submit the initial notification of a reportable emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 13, 2007. The event was discovered on May 12, 2007, but the initial report was not submitted to the TCEQ until May 14, 2007.

3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit 3908B, Special Condition No. 1, as documented during an investigation conducted on July 13, 2007. Specifically, 433.70 lbs of propylene, 282.96 lbs of carbon monoxide and 60.67 lbs of nitrogen oxide were released from the Monument 2 flare due to the control valve positioner failing and TOTAL did not have useful maintenance data on control valve reliability. The emissions event that occurred in the Propylene/Nitrogen Purification Unit ("PNRU") began on May 11, 2007 and lasted fifteen hours and fifty-five minutes. Since the emissions event was avoidable, TOTAL failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that TOTAL pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and TOTAL'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. 2007-1425-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. It is further ordered that TOTAL shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to ensure timely reporting of emissions events; and
 - ii. Implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions events that occurred on May 11 and May 12, 2007.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provisions 2.a.i. through 2.a.ii. The certification shall include detailed supporting documentation including receipts, monitoring records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

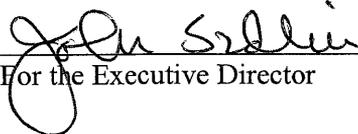
3. The provisions of this Agreed Order shall apply to and be binding upon TOTAL. TOTAL is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If TOTAL fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, TOTAL's failure to comply is not a violation of this Agreed Order. TOTAL shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TOTAL shall notify the Executive Director within seven days after TOTAL becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by TOTAL shall be made in writing to the Executive Director. Extensions are not effective until TOTAL receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against TOTAL in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to TOTAL, or three days after the date on which the Commission mails notice of the Order to TOTAL, 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

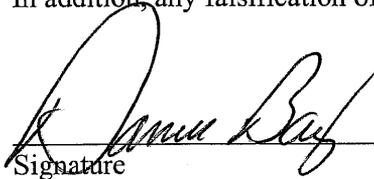
Date 2/25/2008

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

Date 11-30-07

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

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.

