EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-2045-AIR-E **TCEQ ID:** RN100219526 **CASE NO.:** 35150

RESPONDENT NAME: Texas Petrochemicals LP

ORDER TYPE:		
_1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Texas Petrochemicals Houston Facility, 8600 Park Place Boulevard, Houston, Harris County

TYPE OF OPERATION: Chemical manufacturing company

SMALL BUSINESS: ___ **Yes** _X_ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are eight pending enforcement actions regarding this facility location, Docket Nos. 2007-1141-AIR-E, 2007-1791-AIR-E, 2008-0260-AIR-E, 2008-0131-AIR-E, 2007-1628-AIR-E, 2008-0331-AIR-E, 2007-1993-AIR-E, and 2008-0391-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 28, 2008. No comments were received.

CONTACTS AND MAILING LIST:

SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Ms. Kristine Aparicio, Environmental Manager, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017
Ms. Marise Lader Textor, Sr. Corp. Director, EHS&S, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** November 9, 2007 **Date of NOE Relating to this Case:** December 27, 2007 (NOE) **Background Facts:** This was a routine record review. **AIR** Failure to prevent unauthorized emissions. Since this emissions event was avoidable and determined to be excessive, the demonstrations in TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $10,000 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $5,000 **Total Paid to General Revenue:** $5,000 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** This is a Findings Order because there were unauthorized emissions which are excessive emissions events.	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). 2) The Order will require the Respondent to: a) Comply with the TCEQ request dated December 27, 2007 for submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred on November 8, 2007; b) Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing; c) Upon Commission approval, implement the CAP in accordance with the approved scheduled; and d) Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions 2.a. through 2.c.

Additional ID No(s).: HG0562P

Attachment A
Docket Number: 2007-2045-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Texas Petrochemicals LP**
Payable Penalty Amount:	**Ten Thousand Dollars ($10,000)**
SEP Amount:	**Five Thousand Dollars ($5,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

This project includes the lease/contracting for services of air monitoring equipment, Fourier Transform Infra Red (FTIR) and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

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 significant and discernible environmental benefits to the Harris County area by providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, EPA, scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

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:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

require immediate payment of all or part of the SEP Amount.

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision September 19, 2007*

TCEQ

DATES					
Assigned	28-Dec-2007				
PCW	28-Dec-2007	Screening	28-Dec-2007	EPA Due	22-Sep-2008

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

CASE INFORMATION			
Enf./Case ID No.	35150	No. of Violations	1
Docket No.	2007-2045-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 163% Enhancement *Subtotals 2, 3, & 7* **$16,300**

Notes: Penalty enhancement due to 12 NOVs with same or similar violations, seven NOVs with unrelated violations, two 1660 Agreed Orders, and two Findings Orders. Penalty reduction due to one Notice of Audit letter.

Culpability No 0% Enhancement *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* **$0**

	Before NOV	NOV to EDPRP/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**

**Capped at the Total EB $ Amount*

Total EB Amounts	$161
Approx. Cost of Compliance	$5,000

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$26,300**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$26,300**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$10,000**

DEFERRAL 0% Reduction *Adjustment* **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$10,000**

Screening Date 28-Dec-2007 **Docket No.** 2007-2045-AIR-E **PCW**

Respondent Texas Petrochemicals LP

Case ID No. 35150

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator John Muennink

Policy Revision 2 (September 2002)

PCW Revision September 19, 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*)	12	60%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of 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) 163%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 12 NOVs with same or similar violations, seven NOVs with unrelated violations, two 1660 Agreed Orders, and two Findings Orders. Penalty reduction due to one Notice of Audit letter.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 163%

Screening Date 28-Dec-2007 **Docket No.** 2007-2045-AIR-E **PCW**

Respondent Texas Petrochemicals LP *Policy Revision 2 (September 2002)*

Case ID No. 35150 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

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

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,513.2 pounds of 1,3 butadiene from the Vinyl Acetate Unit during an avoidable emissions event that began November 8, 2007 and lasted one minute. Since this emissions event was avoidable and determined to be excessive, the demonstrations in Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to a significant amount of pollutants as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $161

Statutory Limit Test

Violation Final Penalty Total $26,300

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

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 35150
Reg. Ent. Reference No. RN100219526
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	8-Nov-2007	30-Jun-2008	0.6	$161	n/a	$161

Notes for DELAYED costs Estimated expense to maintain the steam governor on the reflux pump for Tower 1D-100. Date Required is the date of the emissions event. Final Date is the date that corrective action is estimated to 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 $5,000

TOTAL $161

Compliance History

Customer/Respondent/Owner-Operator:	CN600130322	Texas Petrochemicals LP	Classification: AVERAGE	Rating: 7.47
Regulated Entity:	RN100219526	TEXAS PETROCHEMICALS HOUSTON FACILITY	Classification: AVERAGE	Site Rating: 7.16

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P
AIR OPERATING PERMITS	PERMIT	1598
AIR OPERATING PERMITS	PERMIT	2884
AIR NEW SOURCE PERMITS	PERMIT	1341A
AIR NEW SOURCE PERMITS	PERMIT	1766
AIR NEW SOURCE PERMITS	PERMIT	4136
AIR NEW SOURCE PERMITS	PERMIT	4238A
AIR NEW SOURCE PERMITS	PERMIT	10296
AIR NEW SOURCE PERMITS	PERMIT	10323A
AIR NEW SOURCE PERMITS	PERMIT	10352A
AIR NEW SOURCE PERMITS	PERMIT	10675A
AIR NEW SOURCE PERMITS	PERMIT	10840A
AIR NEW SOURCE PERMITS	PERMIT	11427A
AIR NEW SOURCE PERMITS	PERMIT	11801
AIR NEW SOURCE PERMITS	PERMIT	11801A
AIR NEW SOURCE PERMITS	PERMIT	13805A
AIR NEW SOURCE PERMITS	PERMIT	13806A
AIR NEW SOURCE PERMITS	PERMIT	15606
AIR NEW SOURCE PERMITS	PERMIT	16351
AIR NEW SOURCE PERMITS	PERMIT	19806
AIR NEW SOURCE PERMITS	PERMIT	22052
AIR NEW SOURCE PERMITS	PERMIT	24187
AIR NEW SOURCE PERMITS	PERMIT	28410
AIR NEW SOURCE PERMITS	PERMIT	37317
AIR NEW SOURCE PERMITS	PERMIT	40807
AIR NEW SOURCE PERMITS	PERMIT	43252
AIR NEW SOURCE PERMITS	PERMIT	43536
AIR NEW SOURCE PERMITS	PERMIT	44268
AIR NEW SOURCE PERMITS	PERMIT	44488
AIR NEW SOURCE PERMITS	PERMIT	44686
AIR NEW SOURCE PERMITS	PERMIT	44927
AIR NEW SOURCE PERMITS	PERMIT	46307
AIR NEW SOURCE PERMITS	PERMIT	46426
AIR NEW SOURCE PERMITS	PERMIT	46456
AIR NEW SOURCE PERMITS	PERMIT	47147
AIR NEW SOURCE PERMITS	PERMIT	47393
AIR NEW SOURCE PERMITS	PERMIT	48550
AIR NEW SOURCE PERMITS	PERMIT	49829
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P
AIR NEW SOURCE PERMITS	AFS NUM	4820100031
AIR NEW SOURCE PERMITS	REGISTRATION	71443
AIR NEW SOURCE PERMITS	REGISTRATION	71687
AIR NEW SOURCE PERMITS	PERMIT	50761
AIR NEW SOURCE PERMITS	EPA ID	PSDTX999
AIR NEW SOURCE PERMITS	REGISTRATION	77348
AIR NEW SOURCE PERMITS	REGISTRATION	77347
AIR NEW SOURCE PERMITS	REGISTRATION	77346
AIR NEW SOURCE PERMITS	REGISTRATION	77345
AIR NEW SOURCE PERMITS	REGISTRATION	77344
AIR NEW SOURCE PERMITS	REGISTRATION	77343
AIR NEW SOURCE PERMITS	REGISTRATION	78118
AIR NEW SOURCE PERMITS	REGISTRATION	79933
AIR NEW SOURCE PERMITS	REGISTRATION	79799
AIR NEW SOURCE PERMITS	REGISTRATION	80271
AIR NEW SOURCE PERMITS	REGISTRATION	80019
AIR NEW SOURCE PERMITS	REGISTRATION	79947
AIR NEW SOURCE PERMITS	REGISTRATION	80340
AIR NEW SOURCE PERMITS	REGISTRATION	80916
AIR NEW SOURCE PERMITS	REGISTRATION	80921
AIR NEW SOURCE PERMITS	REGISTRATION	81648
AIR NEW SOURCE PERMITS	REGISTRATION	81669
AIR NEW SOURCE PERMITS	REGISTRATION	81662
AIR NEW SOURCE PERMITS	REGISTRATION	82280

AIR NEW SOURCE PERMITS	REGISTRATION	82797
AIR NEW SOURCE PERMITS	REGISTRATION	82963
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008072134
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30417
STORMWATER	PERMIT	TXR05N796
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30417

Location: 8600 PARK PLACE BLVD, HOUSTON, TX, 77017 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 12, 2007

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: John Muennink Phone: (361) 825-3423

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 05/24/2004 ADMINORDER 2002-0609-AIR-E

Classification: Moderate

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

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

Rqmt Prov: SC10 PERMIT
Description: Failure to properly cap or plug open ended lines as documented during an investigation conducted on October 17, 2001.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Rqmt Prov: SC10 PERMIT
Description: Failure to adhere to LDAR monitoring schedule for pumps.

Classification: Moderate

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

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

Classification: Moderate

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

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

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

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

Classification: Minor

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

Rqmt Prov: Special Condition 3.E PERMIT

Description: Failed to ensure that there were not screwed connections on lines greater then two inches in diameter.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 12 I. PERMIT

Description: Failed to repair 97 components within 15 days after discovering a leak.

Classification: Moderate

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

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

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

Classification: Major

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

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

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

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

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

Rqmt Prov: General Provision 7.E. OP
Special Condition 1.E (v) OP

Special Condition No. 12.E PERMIT

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

Classification: Moderate

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

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

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

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

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

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

Rqmt Prov: Special Condition 7.B.(i). OP
Description: Failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels.

Classification: Minor

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

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

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

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

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #46307, SC #1 PERMIT
Description: Failure to prevent unauthorized emissions of 1,290 lbs of VOCs.

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
Description: Failure to prevent unauthorized emissions from Tank 851 during a cleaning process on September 14, 2006, resulting in an aviodable emissions event.

Classification: Minor

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

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

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

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Effective Date: 08/31/2007 ADMINORDER 2007-0365-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 01/09/2003 (17886)
2 01/17/2003 (17931)
3 02/19/2003 (21171)
4 03/13/2003 (25806)
5 03/13/2003 (26455)
6 04/21/2003 (27289)
7 05/20/2003 (29901)
8 06/18/2003 (36257)
9 07/09/2003 (98190)
10 07/15/2003 (114135)

11	07/21/2003	(114195)
12	08/08/2003	(40801)
13	08/11/2003	(130767)
14	08/26/2003	(149809)
15	08/28/2003	(152866)
16	10/17/2003	(249451)
17	10/30/2003	(152888)
18	11/18/2003	(249532)
19	01/02/2004	(254540)
20	01/08/2004	(258394)
21	01/15/2004	(255521)
22	01/23/2004	(258353)
23	01/28/2004	(256991)
24	01/28/2004	(257009)
25	02/10/2004	(255227)
26	02/10/2004	(256355)
27	04/12/2004	(260974)
28	04/20/2004	(255875)
29	05/26/2004	(262402)
30	06/10/2004	(270492)
31	06/15/2004	(270507)
32	07/09/2004	(270285)
33	07/13/2004	(268259)
34	07/26/2004	(277574)
35	07/29/2004	(279114)
36	07/30/2004	(278578)
37	08/11/2004	(288425)
38	08/11/2004	(288800)
39	08/18/2004	(276597)
40	08/30/2004	(282027)
41	08/31/2004	(291888)
42	08/31/2004	(285908)
43	10/08/2004	(335087)
44	10/11/2004	(333747)
45	10/18/2004	(336459)
46	10/18/2004	(336854)
47	10/19/2004	(335878)
48	10/26/2004	(291758)
49	11/02/2004	(339528)
50	11/11/2004	(289544)
51	11/11/2004	(292795)
52	11/22/2004	(339425)
53	12/13/2004	(339426)
54	12/16/2004	(293258)
55	01/05/2005	(345579)
56	01/21/2005	(342214)
57	02/03/2005	(349418)
58	02/18/2005	(345797)
59	04/07/2005	(347336)
60	04/07/2005	(347331)
61	04/18/2005	(374447)
62	04/19/2005	(377616)
63	05/05/2005	(373870)
64	05/10/2005	(380624)
65	05/13/2005	(373465)
66	05/31/2005	(376325)
67	06/06/2005	(378762)
68	07/07/2005	(394060)
69	08/08/2005	(394042)
70	08/11/2005	(374658)
71	08/23/2005	(404475)
72	08/23/2005	(402060)
73	08/24/2005	(402041)
74	08/24/2005	(333418)
75	08/26/2005	(401337)

76	08/29/2005	(404046)
77	08/29/2005	(405738)
78	08/31/2005	(418954)
79	08/31/2005	(402446)
80	09/27/2005	(405860)
81	02/23/2006	(455880)
82	02/25/2006	(456997)
83	02/27/2006	(457159)
84	02/28/2006	(457074)
85	03/13/2006	(450068)
86	03/13/2006	(450024)
87	03/13/2006	(450051)
88	04/04/2006	(458283)
89	04/04/2006	(458271)
90	04/04/2006	(461031)
91	04/28/2006	(458466)
92	05/30/2006	(480219)
93	05/30/2006	(480237)
94	05/30/2006	(480292)
95	05/30/2006	(480297)
96	05/30/2006	(480287)
97	05/30/2006	(480133)
98	05/30/2006	(471013)
99	05/30/2006	(480300)
100	05/30/2006	(480289)
101	05/30/2006	(459802)
102	05/30/2006	(480277)
103	05/30/2006	(480141)
104	05/30/2006	(480099)
105	05/30/2006	(480302)
106	05/30/2006	(480303)
107	05/30/2006	(480304)
108	05/30/2006	(480245)
109	05/30/2006	(480305)
110	05/30/2006	(480306)
111	05/30/2006	(480308)
112	05/30/2006	(480311)
113	05/30/2006	(480313)
114	05/30/2006	(480314)
115	05/30/2006	(480315)
116	05/30/2006	(480233)
117	05/30/2006	(480265)
118	05/30/2006	(478963)
119	05/30/2006	(480222)
120	05/30/2006	(480200)
121	05/30/2006	(480206)
122	05/30/2006	(480282)
123	05/30/2006	(477634)
124	05/30/2006	(480186)
125	05/31/2006	(480637)
126	05/31/2006	(480638)
127	05/31/2006	(480639)
128	05/31/2006	(480640)
129	05/31/2006	(480641)
130	05/31/2006	(480642)
131	05/31/2006	(480643)
132	05/31/2006	(480644)
133	05/31/2006	(480645)
134	05/31/2006	(480646)
135	05/31/2006	(480530)
136	05/31/2006	(480647)
137	05/31/2006	(480648)
138	05/31/2006	(480649)
139	05/31/2006	(480651)
140	05/31/2006	(480653)

141	05/31/2006	(480468)
142	05/31/2006	(480654)
143	05/31/2006	(480610)
144	05/31/2006	(480655)
145	05/31/2006	(480226)
146	05/31/2006	(480656)
147	05/31/2006	(480244)
148	05/31/2006	(480569)
149	05/31/2006	(480631)
150	05/31/2006	(480197)
151	05/31/2006	(480263)
152	05/31/2006	(480425)
153	05/31/2006	(480445)
154	05/31/2006	(480455)
155	05/31/2006	(480246)
156	05/31/2006	(480623)
157	05/31/2006	(480242)
158	05/31/2006	(480502)
159	05/31/2006	(480634)
160	05/31/2006	(480214)
161	05/31/2006	(480635)
162	05/31/2006	(480254)
163	05/31/2006	(480866)
164	05/31/2006	(480479)
165	07/21/2006	(481873)
166	07/21/2006	(481904)
167	07/21/2006	(481780)
168	07/27/2006	(459885)
169	08/08/2006	(462831)
170	08/28/2006	(488585)
171	08/28/2006	(488528)
172	08/28/2006	(488643)
173	08/31/2006	(488584)
174	10/30/2006	(487750)
175	11/17/2006	(518574)
176	12/05/2006	(532642)
177	12/21/2006	(534110)
178	12/21/2006	(534106)
179	01/04/2007	(534107)
180	02/01/2007	(533800)
181	02/07/2007	(539409)
182	03/02/2007	(538543)
183	03/09/2007	(542643)
184	03/20/2007	(542634)
185	03/30/2007	(512156)
186	04/25/2007	(557786)
187	05/08/2007	(542720)
188	05/09/2007	(538778)
189	07/06/2007	(566435)
190	07/26/2007	(567778)
191	08/20/2007	(572373)
192	08/24/2007	(573306)
193	09/07/2007	(593363)
194	09/11/2007	(594099)
195	09/14/2007	(593593)
196	09/28/2007	(593596)
197	10/09/2007	(596500)
198	10/11/2007	(567263)
199	10/16/2007	(596503)
200	11/02/2007	(598212)
201	11/19/2007	(598092)
202	11/27/2007	(568545)
203	12/04/2007	(567375)
204	12/07/2007	(568199)
205	12/11/2007	(597258)

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

Date: 06/30/2003 (60730)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Failure to control emissions of heavy oils (12 Carbons- 20 Carbons).

Date: 08/08/2003 (40801)

Self Report? NO Classification: Moderate

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

Description: Failure to not cause, suffer, allow, or permit air contaminants in violation of commission rules.

Self Report? NO Classification: Moderate

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

Description: Failure to be authorized by a commission rule and permitted air contaminants in violation of commission rules

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the record keeping requirements that TPC submit the proper compound descriptive type of all individually listed compounds or mixtures of air contaminants.

Self Report? NO Classification: Minor

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

Description: Failure to meet the record keeping requirements that TPC submit the proper authorized emissions limits for the facility involved in the final record.

Date: 02/10/2004 (255227)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain opacity of emissions within the allowable limit of 20% for a period of six minutes at Boiler Nos. 4 and 8.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA TCEQ Air Permit 1341A

Description: Failure to comply with special provision No. 3 of TCEQ Air permit #1341A.

Date: 05/26/2004 (262402)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 106, SubChapter X 106.532(1)(O)
30 TAC Chapter 115, SubChapter B 115.137(a)(2)

Rqmt Prov: PA September 4, 2000

Description: Failure to adhere to permit conditions, such that the psia of 2.0 for the fuel oil in the wastewater treatment system exceeded the permitted and regulated limits.

Date: 08/30/2004 -282027

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(12)

Description: The company failed to submit additional information neccessary to evaluate an emissions event when requested by the director or any air pollution control agency with jurisdiction, within the time frames established in the request as specified in 30 TAC 101.201(b)(12) and 30 TAC Chapter 101.201(a)(4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)

Description: The regulated entity is in violation of 30 TAC Chapter 115.112(a)(1) which states no person shall place, store, or hold in any stationary tank, reservoir, or other container any volatile organic compound (VOC) unless such container is capable of maintaining working pressure sufficient at all times.

Date: 05/05/2005 (373870)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)

Rqmt Prov: PERMIT TCEQ Air Permit No. 46307, SC 9C

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

Self Report? NO Classification: Minor

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

Self Report? NO Classification: Moderate

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to submit the final record for an emissions event

Date: 06/06/2005 (378762)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to maintain opacity of emissions less than 20% at the Boiler #9 Stack.

Date: 08/08/2005 -394042

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
Description: Failure to submit information by the due date.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
Description: Failure to obtain a permit amendment for emissions from the D-100 Tower.

Date: 08/26/2005 (401337)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
Rqmt Prov: PERMIT TCEQ VERP Permit 46307 SC 8B
Description: Failed to meet the requirements specified under TCEQ Source Sampling Procedure Manual Appendix P, 5.1.1.3, which requires samples should be drawn from either the vertical section near the base of the riser pipe or the top of a horizontal section prior to the riser pipe at a location where the pipe will be full.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
30 TAC Chapter 116, SubChapter H 116.814(a)
Rqmt Prov: PERMIT TCEQ VERP 46307 GC 7
PERMIT TCEQ VERP 46307 SC 8B
Description: Failed to document "Zero Air Check", "Stabilization Time" and "Water Blank Check" as required by Manual Appendix P.

Date: 03/13/2006 (450024)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO emissions when the RATA was conducted for the NOx and O2 CEMS.

Date: 03/13/2006 (450051)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO when the RATA was conducted for the NOx and O2 CEMS.

Date: 03/13/2006 (450068)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO emissions when the RATA was conducted for the Nox and O2 analyzers.

Date: 07/31/2006 (459885)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)
Description: RE failed to submit stack test reports on time.

Date: 08/29/2006 (466376)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Found to be in violation of 30 TAC Chapter 101.4 and 5C THC Chapter 382.085(b) for failure to control emissions.

Date: 08/31/2006 (488584)

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open ended lines.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

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

Description: Failure to comply with 30 TAC 1170206(i) by operating pump between the hours of 6:00 AM to noon.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to document presence and frequency of drips and to the sensor that indiates failure of the seal system for the 23 pumps.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(e)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598

Description: Failure to conduct daily inspection on the Number 5 compressor seal system sensor, which did not have an alarm system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, 1A

Description: Failure repair leaking connector within 15 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to monitor 18 pumps.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598

Description: Failure to provide 30-day refilling notice to the IFR tank T-73.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to repair a leaking fugitive valve that is HRVOC service within 7 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

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

Date: 11/17/2006 (518574)

Self Report? NO Classification: Moderate

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

Description: The facility was unable to document any refusal of state or local agencies to enter into arrangements to provide emergency response.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)(1)

Description: NOR Unit 009-Tank: This unit has been removed. No notification regarding the removal of this tank, has been provided.

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

Date: 12/21/2006 (534110)

Self Report? NO Classification: Moderate

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

5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1
Description: Release of unauthorized emissions that exceeded a reportable quantity.

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

Date: 08/21/2007 (572373)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1
Description: Failure to demonstrate an affirmative defense.

F. Environmental audits.

Notice of Intent Date: 05/11/2006 (467603)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
TEXAS PETROCHEMICALS LP	§	
RN100219526	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-2045-AIR-E

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing company at 8600 Park Place Boulevard in Houston, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During an investigation on November 9, 2007, TCEQ staff documented the release of 4,513.2 pounds of 1,3 butadiene from the Vinyl Acetate Unit during an avoidable emissions event that began November 8, 2007 and lasted one minute.

4. The Respondent received notice of the violations on January 2, 2008.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent 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 No. 46307, Special Condition No. 1. Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Ten Thousand Dollars ($10,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Five Thousand Dollars ($5,000) of the administrative penalty. Five Thousand Dollars ($5,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Dollars ($10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Petrochemicals LP, Docket No. 2007-2045-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Five Thousand Dollars ($5,000) 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. The Respondent shall undertake the following technical requirements:

   a. Comply with the TCEQ request dated December 27, 2007 for submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred November 8, 2007, in accordance with 30 TEX. ADMIN. CODE § 101.223(a)(1);

   b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;

   c. Upon Commission approval, implement the CAP in accordance with the approved schedule; and

   d. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions 3.a. through 3.c. as described below.

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

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

   The certification shall be submitted to:

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

   with a copy to:

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

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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

9. 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.

10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 3/21/2008
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Texas Petrochemicals LP. I am authorized to agree to the attached Agreed Order on behalf of Texas Petrochemicals LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Texas Petrochemicals LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

_____ 28 January 2008
Signature Date

Marise Lada Tekter Sr Corp Dir, EH&S
Name (Printed or typed) Title
Authorized Representative of
Texas Petrochemicals LP

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

Attachment A
Docket Number: 2007-2045-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Texas Petrochemicals LP**
Payable Penalty Amount:	**Ten Thousand Dollars ($10,000)**
SEP Amount:	**Five Thousand Dollars ($5,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

This project includes the lease/contracting for services of air monitoring equipment, Fourier Transform Infra Red (FTIR) and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

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 significant and discernible environmental benefits to the Harris County area by providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, EPA, scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

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:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

require immediate payment of all or part of the SEP Amount.

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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