

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-1879-IWD-E **TCEQ ID:** RN100212109 **CASE NO.:** 34999  
**RESPONDENT NAME:** TOTAL PETROCHEMICALS USA, INC.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input 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 checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> TOTAL PETROCHEMICALS USA La Porte Plant, located on State Highway 134 (South Battleground Road) approximately 1.6 miles south of the San Jacinto Monument, Deer Park, Harris County</p> <p><b>TYPE OF OPERATION:</b> Domestic wastewater treatment system</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three pending enforcement actions regarding this facility location, Docket Nos. 2007-1425-AIR-E, 2007-1593-AIR-E, and 2008-0162-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 12, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Scott McEwen, Vice President of Polypropylene, TOTAL PETROCHEMICALS USA, INC., P.O. Box 888, Deer Park, Texas 77536  Mr. Darrell E. Bailey, Plant Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 888, Deer Park, Texas 77536  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 26, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 8, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>Failed to comply with the permitted effluent limitations for total suspended solids and flow [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001000000, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p><b>Total Assessed:</b> \$37,800</p> <p><b>Total Deferred:</b> \$7,560  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$30,240</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0001000000. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0001000000

**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision November 6, 2007

**TCEQ**  
**DATES** Assigned 19-Nov-2007  
 PCW 20-Nov-2007 Screening 20-Nov-2007 EPA Due 5-Mar-2008

**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. 34999 No. of Violations 1  
 Docket No. 2007-1879-IWD-E Order Type 1660  
 Media Program(s) Water Quality Enf. Coordinator Andrew Hunt  
 Multi-Media EC's Team Enforcement Team 1  
 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** 278% Enhancement Subtotals 2, 3, & 7   
 Notes: An enhancement is recommended due to two issued agreed orders without denial language, six issued agreed orders with denial language, two NOV's with same or similar violations, twelve NOV's with unrelated violations, and 15 months of self-reported effluent violations. Also, a reduction is recommended due to one Notice of Intent to conduct a self-audit under the Self-Audit Act.

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

**Good Faith Effort to Comply** 0% Reduction Subtotal 5   
 Before NOV    NOV to EDRP/Settlement Offer  
 Extraordinary    
 Ordinary    
 N/A  (mark with x)  
 Notes: The Respondent does not meet the good faith criteria.

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment   
 Reduces or enhances the Final Subtotal by the indicated percentage.  
 Notes:   
Final Penalty Amount

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL** 20% Reduction Adjustment   
 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)  
 Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**Screening Date** 20-Nov-2007

**Docket No.** 2007-1879-IWD-E

**PCW**

**Respondent** TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

**Case ID No.** 34999

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN100212109

**Media [Statute]** Water Quality

**Enf. Coordinator** Andrew Hunt

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	17	85%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 278%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

An enhancement is recommended due to two issued agreed orders without denial language, six issued agreed orders with denial language, two NOVs with same or similar violations, twelve NOVs with unrelated violations, and 15 months of self-reported effluent violations. Also, a reduction is recommended due to one Notice of Intent to conduct a self-audit under the Self-Audit Act.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 278%

<b>Screening Date</b> 20-Nov-2007	<b>Docket No.</b> 2007-1879-IWD-E	<b>PCW</b>
<b>Respondent</b> TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 34999		<small>PCW Revision November 6, 2007</small>
<b>Reg. Ent. Reference No.</b> RN100212109		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Andrew Hunt		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0001000000, Effluent Limitations and Monitoring Requirements No. 1	
<b>Violation Description</b>	Failed to comply with the permitted effluent limitations, as shown in the attached effluent table.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual <input type="text"/> <input type="text"/> <input type="text"/> <input type="text" value="x"/>	<b>Percent</b> <input type="text" value="25%"/>
Potential <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="4"/>	<input type="text" value="184"/> <b>Number of violation days</b>
<small>mark only one with an x</small>	daily <input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$10,000"/>
	monthly <input type="text"/>	
	quarterly <input type="text" value="x"/>	
	semiannual <input type="text"/>	
	annual <input type="text"/>	
	single event <input type="text"/>	
Four quarterly events are recommended.		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input type="text" value="\$1,085"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$37,800"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$37,800"/>

### Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.  
**Case ID No.** 34999  
**Reg. Ent. Reference No.** RN100212109  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$10,000	1-Oct-2006	19-Apr-2008	1.6	\$52	\$1,034	\$1,085
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to evaluate causes of effluent excursions and to rehabilitate the system. Date Required is the first month of noncompliance. Final Date is expected date of compliance.

**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	\$10,000	<b>TOTAL</b>	\$1,085
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**EFFLUENT VIOLATION TABLE**  
**TOTAL PETROCHEMICALS USA, INC.**  
**TPDES Permit No. WQ0001000000**  
**Docket No. 2007-1879-IWD-E**

Months	TSS daily ave. loading	TSS daily max. loading	Flow daily ave.	Flow daily max.
	Limit = 250 lbs/day	Limit = 789 lbs/day	Limit = 0.9 mgd	Limit = 2.46 mgd
<b>Outfall 001</b>				
10/31/2006	c	c	c	3.339
3/31/2007	c	c	c	2.594
4/30/2007	c	c	0.955	c
5/31/2007	281.9	847.97	1.006	c
6/30/2007	378.65	c	0.998	c
7/31/2007	383.38	c	1.299	2.55

c = compliant

max. = maximum

TSS = total suspended solids

lbs/day = pounds per day

ave. = average

mgd = million gallons per day



# 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 Site Rating: 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: Located on State Highway 134 (Battleground Road) approximately 1.6 miles south of the San Jacinto Monument in the City of Deer Park, Harris County, Texas Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 19, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 19, 2002 to November 19, 2007

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

Name: Andrew Hunt Phone: 512-239-1203

### 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

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

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)  
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	11/21/2002	(13305)
2	11/26/2002	(17533)
3	12/04/2002	(160566)
4	12/17/2002	(160570)
5	12/17/2002	(13606)
6	12/30/2002	(9673)
7	01/16/2003	(160574)
8	01/21/2003	(20384)
9	01/31/2003	(23088)
10	02/20/2003	(160532)
11	03/14/2003	(160556)
12	03/18/2003	(296374)
13	03/24/2003	(160535)
14	04/16/2003	(160540)
15	05/22/2003	(160544)
16	06/16/2003	(160548)
17	06/26/2003	(27171)
18	07/21/2003	(160552)
19	08/01/2003	(147147)
20	08/29/2003	(152894)
21	09/08/2003	(247910)
22	09/19/2003	(296385)
23	10/14/2003	(296390)
24	10/21/2003	(296387)
25	11/24/2003	(296388)
26	12/29/2003	(296389)
27	01/05/2004	(255495)
28	02/23/2004	(296371)
29	03/16/2004	(265480)
30	03/29/2004	(263338)
31	04/12/2004	(296375)
32	05/12/2004	(269428)
33	05/12/2004	(269433)
34	05/21/2004	(296378)
35	05/26/2004	(272485)
36	06/02/2004	(269938)
37	06/07/2004	(296382)
38	06/14/2004	(274068)
39	06/21/2004	(296380)
40	07/09/2004	(296376)
41	07/22/2004	(280434)
42	08/11/2004	(286884)
43	08/24/2004	(352560)
44	09/01/2004	(279062)
45	09/01/2004	(278961)
46	09/20/2004	(352561)
47	10/08/2004	(335547)
48	10/13/2004	(352562)
49	10/18/2004	(335599)
50	10/19/2004	(335923)
51	10/22/2004	(337805)
52	11/03/2004	(338415)
53	11/11/2004	(290843)
54	11/12/2004	(335862)
55	11/16/2004	(352563)
56	11/23/2004	(352564)
57	12/13/2004	(338130)
58	12/13/2004	(336657)
59	12/14/2004	(338399)

60	12/20/2004	(338479)
61	12/20/2004	(295860)
62	12/20/2004	(338218)
63	12/27/2004	(382038)
64	12/28/2004	(338056)
65	12/29/2004	(343604)
66	12/29/2004	(343603)
67	12/31/2004	(290574)
68	12/31/2004	(291344)
69	01/06/2005	(291924)
70	01/06/2005	(337400)
71	01/07/2005	(338040)
72	01/07/2005	(292094)
73	01/07/2005	(336686)
74	01/10/2005	(262199)
75	01/13/2005	(345723)
76	01/26/2005	(342525)
77	02/22/2005	(382035)
78	02/23/2005	(349878)
79	02/24/2005	(350282)
80	02/24/2005	(350275)
81	03/01/2005	(349965)
82	03/02/2005	(372226)
83	03/08/2005	(372848)
84	03/21/2005	(382036)
85	03/22/2005	(382037)
86	03/24/2005	(349942)
87	03/24/2005	(372227)
88	03/29/2005	(371421)
89	04/01/2005	(375065)
90	04/08/2005	(348307)
91	04/28/2005	(374278)
92	06/03/2005	(419886)
93	06/03/2005	(376795)
94	06/23/2005	(379202)
95	06/24/2005	(419887)
96	06/27/2005	(392492)
97	07/05/2005	(395955)
98	07/05/2005	(396243)
99	07/08/2005	(395152)
100	07/08/2005	(395145)
101	07/08/2005	(395147)
102	07/12/2005	(398015)
103	08/10/2005	(404200)
104	08/19/2005	(441002)
105	08/23/2005	(404907)
106	08/25/2005	(405920)
107	09/12/2005	(441005)
108	09/19/2005	(441003)
109	10/21/2005	(441004)
110	11/03/2005	(418739)
111	11/21/2005	(435975)
112	11/28/2005	(468737)
113	01/24/2006	(468738)
114	01/24/2006	(468739)
115	02/14/2006	(468736)
116	02/15/2006	(453303)
117	02/21/2006	(455020)
118	02/23/2006	(455888)
119	02/25/2006	(456928)
120	02/27/2006	(456559)
121	02/28/2006	(457140)
122	02/28/2006	(457170)

123	02/28/2006	(457150)
124	03/20/2006	(498411)
125	04/24/2006	(463428)
126	04/25/2006	(458264)
127	04/27/2006	(456175)
128	05/01/2006	(498412)
129	05/16/2006	(463577)
130	05/16/2006	(463907)
131	05/16/2006	(465691)
132	05/17/2006	(465592)
133	05/26/2006	(467560)
134	05/30/2006	(498413)
135	05/31/2006	(480475)
136	05/31/2006	(480470)
137	06/07/2006	(498416)
138	06/20/2006	(498414)
139	06/22/2006	(482925)
140	06/22/2006	(482832)
141	06/23/2006	(483058)
142	06/29/2006	(481055)
143	06/29/2006	(484017)
144	07/12/2006	(484022)
145	07/13/2006	(498415)
146	07/14/2006	(484429)
147	07/26/2006	(487037)
148	08/03/2006	(487671)
149	08/03/2006	(488357)
150	08/04/2006	(345748)
151	08/17/2006	(484538)
152	08/21/2006	(520418)
153	08/21/2006	(520420)
154	09/05/2006	(497455)
155	09/05/2006	(509499)
156	09/07/2006	(510865)
157	09/08/2006	(489217)
158	09/22/2006	(520419)
159	10/06/2006	(530970)
160	10/16/2006	(511833)
161	10/20/2006	(575734)
162	11/06/2006	(516491)
163	11/20/2006	(517197)
164	11/21/2006	(575735)
165	11/21/2006	(516694)
166	02/05/2007	(534573)
167	02/12/2007	(575728)
168	02/15/2007	(539452)
169	03/09/2007	(539872)
170	03/13/2007	(542326)
171	03/19/2007	(536804)
172	03/22/2007	(542671)
173	03/22/2007	(542675)
174	03/22/2007	(575729)
175	04/04/2007	(575733)
176	04/10/2007	(543717)
177	04/12/2007	(540389)
178	04/13/2007	(575730)
179	04/23/2007	(556287)
180	04/30/2007	(542574)
181	05/08/2007	(559591)
182	05/14/2007	(556174)
183	05/16/2007	(555746)
184	05/16/2007	(555751)
185	05/16/2007	(575731)

186 05/25/2007 (536112)  
 187 05/30/2007 (556956)  
 188 05/31/2007 (559123)  
 189 05/31/2007 (559121)  
 190 06/08/2007 (562000)  
 191 06/08/2007 (555120)  
 192 06/15/2007 (555757)  
 193 06/18/2007 (561134)  
 194 06/19/2007 (562094)  
 195 06/20/2007 (561136)  
 196 06/21/2007 (560635)  
 197 06/21/2007 (560640)  
 198 06/22/2007 (575732)  
 199 06/25/2007 (560632)  
 200 06/27/2007 (561137)  
 201 07/05/2007 (560624)  
 202 07/18/2007 (565537)  
 203 07/24/2007 (561139)  
 204 07/30/2007 (565237)  
 205 08/13/2007 (566645)  
 206 08/20/2007 (607606)  
 207 08/29/2007 (565319)  
 208 09/11/2007 (569993)  
 209 09/21/2007 (607607)  
 210 09/26/2007 (570766)  
 211 10/17/2007 (594536)  
 212 10/18/2007 (594393)  
 213 11/12/2007 (599234)  
 214 11/19/2007 (572263)

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

Date 01/17/2003 (20384)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter O 305.535(c)(1)  
 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)  
 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)  
 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.

Date	03/29/2004	(263338)	Classification:	Moderate
Self Report?	NO			
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)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/31/2004	(352561)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2004	(382038)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2005	(419887)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/22/2005	(379202)	Classification:	Moderate
Self Report?	NO			
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)	Classification:	Minor
Self Report?	NO			
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)			
Description:	Failure to update the Notice of Registration (NOR)			
Self Report?	NO			
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)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/15/2006	(453303)	Classification:	Moderate
Self Report?	NO			
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			
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			
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 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 115.3552(4) and 40 CFR 60.482-6 (a)(1).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 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 preform a first attempt at repair for thirteen components, which is a violation of 30 TAC 115.782(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)

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)

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)

Description: TWC Chapter 26 26.121(a)  
 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)  
 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(b)  
 TWC Chapter 26 26.121(c)  
 TWC Chapter 26 26.121(d)  
 TWC Chapter 26 26.121(e)

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)

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 to 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)  
 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  
 Date 06/30/2007 (575733)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 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.  
 Date 07/31/2007 (607606)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 08/31/2007 (607607)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

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**

§  
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§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1879-IWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TOTAL PETROCHEMICALS USA, INC. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a domestic wastewater treatment system located on State Highway 134 (South Battleground Road) approximately 1.6 miles south of the San Jacinto Monument in Deer Park, Harris County, Texas (the "Facility").
2. The Respondent has discharged domestic waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 13, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Thirty-Seven Thousand Eight Hundred Dollars (\$37,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty Thousand Two Hundred Forty Dollars (\$30,240) of the administrative penalty and Seven Thousand Five Hundred Sixty Dollars (\$7,560) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
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 Facility, the Respondent is alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001000000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on October 26, 2007, and shown in the following effluent table:



EFFLUENT VIOLATION TABLE				
Months	TSS daily ave. loading	TSS daily max. loading	Flow daily ave.	Flow daily max.
	Limit = 250 lbs/day	Limit = 789 lbs/day	Limit = 0.9 mgd	Limit = 2.46 mgd
Outfall 001				
10/31/2006	c	c	c	3.339
3/31/2007	c	c	c	2.594
4/30/2007	c	c	0.955	c
5/31/2007	281.9	847.97	1.006	c
6/30/2007	378.65	c	0.998	c
7/31/2007	383.38	c	1.299	2.55

c = compliant

max. = maximum

TSS = total suspended solids

lbs/day = pounds per day

ave. = average

mgd = million gallons per day

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2007-1879-IWD-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 the Respondent shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0001000000. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water 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 the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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.
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 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.



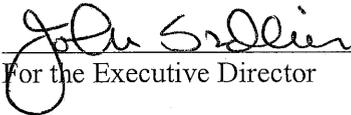
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

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

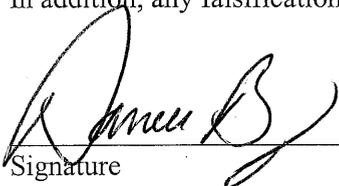
\_\_\_\_\_  
Date 4/15/2008

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 2/25/08

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.

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