EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1580-PWS-E **TCEQ ID:** RN102457520 **CASE NO.:** 34708

RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X 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: TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY, 7600 32nd Street, Port Arthur, Jefferson County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are fourteen additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1427-AIR-E, 2007-1129-AIR-E, 2007-0653-AIR-E, 2007-0172-AIR-E, 2006-0561-AIR-E, 2006-0190-AIR-E, 2006-0141-AIR-E, 2005-2079-AIR-E, 2005-1776-AIR-E, 2005-0705-AIR-E, 2005-0355-AIR-E, 2004-1857-AIR-E, 2004-0993-AIR-E, and 2004-0702-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 March 24, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. David French, PWTC Process Supervisor, TOTAL PETROCHEMICALS USA, INC., P.O. Box 849, Port Arthur, Texas 77641

Mr. Darrell Jacob, Refinery Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 849, Port Arthur, Texas 77641

Respondent's Attorney: Not represented by counsel on this enforcement matter

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:** August 27, 2007 **Date of NOV/NOE Relating to this Case:** August 29, 2007 (NOE) **Background Facts:** This was a routine record review. **WATER** Failed to comply with the maximum contaminant level ("MCL") of 0.08 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.148 mg/L for the first quarter of 2007, and 0.142 mg/L for the second quarter of 2007 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $690 **Total Deferred:** $138 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $552 **Site Compliance History Classification** ___ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for TTHM; and b. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

Additional ID No(s).: PWS ID No. 1230048

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	24-Sep-2007				
PCW	28-Sep-2007	Screening	28-Sep-2007	EPA Due	1-Mar-2008

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	34708	No. of Violations	1
Docket No.	2007-1580-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 176% Enhancement — *Subtotals 2, 3, & 7* $440

Notes: The enhancement is due to two prior Notices of Violation ("NOVs") with the same or similar violations as in the current enforcement action, and 12 NOVs with dissimilar violations, six prior Agreed Orders containing a denial of liability and one prior Agreed Order without a denial of liability, and submitted one letter of intent and one disclosure of violation 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	$671
Approx. Cost of Compliance	$5,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $690

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

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

Notes:

Final Penalty Amount $690

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $690

DEFERRAL — 20% Reduction — *Adjustment* -$138

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $552

Screening Date 28-Sep-2007 **Docket No.** 2007-1580-PWS-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 34708

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102457520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

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*)	2	10%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	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*)	1	-2%

		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) 176%

>> 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

The enhancement is due to two prior Notices of Violation ("NOVs") with the same or similar violations as in the current enforcement action, and 12 NOVs with dissimilar violations, six prior Agreed Orders containing a denial of liability and one prior Agreed Order without a denial of liability, and submitted one letter of intent and one disclosure of violation letter.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 176%

PCW

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Screening Date 28-Sep-2007 **Docket No.** 2007-1580-PWS-E

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34708

Reg. Ent. Reference No. RN102457520

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level of 0.08 milligrams per liter ("mg/L") for TTHM based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.148 mg/L for the first quarter of 2007, and 0.142 mg/L for the second quarter of 2007.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Customers of the water supply have been exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 1

91 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $671

Statutory Limit Test

Violation Final Penalty Total $690

This violation Final Assessed Penalty (adjusted for limits) $690

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34708
Reg. Ent. Reference No. RN102457520
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$5,000	31-Mar-2007	28-Feb-2009	1.9	$32	$639	$671
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: The delayed costs include the amount for the water supply to implement an alternative form of disinfection, calculated from the first quarter of noncompliance to the estimated 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 $5,000

TOTAL $671

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	TOTAL PETROCHEMICALS USA, INC.	Classification: AVERAGE	Rating: 3.02
Regulated Entity:	RN102457520	TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 10.86

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385

AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: October 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 24, 2002 to September 24, 2007

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

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

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.

N/A Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT
SC2 PERMIT
SC2B PERMIT
SC3H PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC5 PERMIT
Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 8 PERMIT
Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1D PERMIT
Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
SC2 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Rqmt Prov: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 01/08/2005 ADMINORDER 2003-1481-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 20381, GC 8 & SC 1 PERMIT
PSD-TX-1005, GC 8 & SC 1 PERMIT
Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate
Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
30 TAC Chapter 334, SubChapter B 334.21(b)
Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on September 8-9, 2003.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PSD-TX-453M6, Special Condition 1 PERMIT
Special Condition 1 PERMIT
Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur Dioxide and Hydrogen Sulfide on September 8-9, 2003.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 46396, Special Condition 1 PERMIT
Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 46396, SC 1 PERMIT
Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx during

stack testing conducted on January 15-16, 2003.

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT

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

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Effective Date: 03/21/2005 ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

Effective Date: 05/25/2007 ADMINORDER 2006-1095-AIR-E

Classification: Minor

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

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

Classification: Major

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

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

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

Classification: Major

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

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

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

See addendum for information regarding federal actions.

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 10/18/2002 (157217)
2 10/23/2002 (12544)
3 10/24/2002 (12480)
4 11/05/2002 (16050)
5 11/21/2002 (157221)
6 11/22/2002 (5078)

7	11/26/2002	(16327)
8	12/03/2002	(18034)
9	12/13/2002	(18670)
10	12/20/2002	(157225)
11	01/21/2003	(20714)
12	01/21/2003	(157229)
13	01/28/2003	(22061)
14	02/07/2003	(22079)
15	02/20/2003	(157187)
16	03/19/2003	(157190)
17	04/18/2003	(157196)
18	04/25/2003	(25379)
19	05/08/2003	(33263)
20	05/21/2003	(157200)
21	05/28/2003	(60762)
22	05/30/2003	(60547)
23	06/23/2003	(157204)
24	07/16/2003	(112393)
25	07/21/2003	(157208)
26	08/19/2003	(147506)
27	08/21/2003	(147314)
28	08/21/2003	(295015)
29	08/29/2003	(33657)
30	08/29/2003	(31893)
31	09/22/2003	(295017)
32	10/17/2003	(152374)
33	10/21/2003	(295019)
34	11/10/2003	(140784)
35	11/21/2003	(295020)
36	12/15/2003	(252528)
37	12/17/2003	(253859)
38	12/22/2003	(295021)
39	01/07/2004	(251647)
40	01/14/2004	(259132)
41	01/16/2004	(257106)
42	01/21/2004	(295022)
43	02/18/2004	(262253)
44	02/23/2004	(295004)
45	02/25/2004	(263664)
46	03/05/2004	(258714)
47	03/18/2004	(259900)
48	03/22/2004	(295006)
49	03/30/2004	(332764)
50	04/08/2004	(265693)
51	04/19/2004	(295007)
52	04/23/2004	(264889)
53	04/28/2004	(269294)
54	05/21/2004	(295009)
55	05/25/2004	(271847)
56	06/15/2004	(271209)
57	06/17/2004	(275130)
58	06/17/2004	(273769)
59	06/22/2004	(295011)
60	06/23/2004	(269696)
61	07/12/2004	(269851)
62	07/21/2004	(295013)
63	07/29/2004	(269691)
64	08/16/2004	(281567)
65	08/17/2004	(280413)
66	08/17/2004	(286899)
67	08/17/2004	(283908)
68	08/23/2004	(351943)
69	08/31/2004	(280247)
70	08/31/2004	(285080)
71	09/21/2004	(351944)
72	09/27/2004	(282656)
73	10/21/2004	(351945)
74	11/12/2004	(291212)

75	11/18/2004	(351946)
76	11/29/2004	(337787)
77	12/07/2004	(341531)
78	12/14/2004	(269700)
79	12/17/2004	(351947)
80	01/11/2005	(345742)
81	01/11/2005	(286852)
82	01/11/2005	(345734)
83	01/11/2005	(345047)
84	01/21/2005	(381770)
85	02/21/2005	(381768)
86	03/11/2005	(346656)
87	03/11/2005	(350459)
88	03/11/2005	(348120)
89	03/17/2005	(381769)
90	03/29/2005	(372850)
91	04/22/2005	(419600)
92	04/27/2005	(345893)
93	05/19/2005	(419601)
94	06/15/2005	(394699)
95	06/16/2005	(395449)
96	06/17/2005	(380022)
97	06/17/2005	(395181)
98	06/21/2005	(393771)
99	06/21/2005	(419602)
100	06/27/2005	(394004)
101	06/27/2005	(375095)
102	07/08/2005	(380986)
103	07/12/2005	(379108)
104	07/13/2005	(395545)
105	07/18/2005	(398333)
106	07/18/2005	(396246)
107	07/21/2005	(440742)
108	08/08/2005	(400586)
109	08/08/2005	(400578)
110	08/08/2005	(395607)
111	08/10/2005	(398204)
112	08/14/2005	(402622)
113	08/14/2005	(400928)
114	08/15/2005	(404442)
115	08/15/2005	(399684)
116	08/15/2005	(403311)
117	08/15/2005	(371587)
118	08/19/2005	(440743)
119	08/31/2005	(340674)
120	08/31/2005	(402164)
121	09/19/2005	(440744)
122	10/21/2005	(468272)
123	11/04/2005	(431104)
124	11/04/2005	(436336)
125	11/04/2005	(435646)
126	11/15/2005	(405196)
127	11/15/2005	(436413)
128	11/15/2005	(435255)
129	11/15/2005	(436155)
130	11/15/2005	(434630)
131	11/18/2005	(435866)
132	11/18/2005	(435774)
133	11/18/2005	(435804)
134	11/18/2005	(435798)
135	11/21/2005	(468273)
136	12/07/2005	(435751)
137	12/12/2005	(404612)
138	12/15/2005	(468274)
139	01/18/2006	(449944)
140	01/19/2006	(440180)
141	01/19/2006	(439503)
142	01/23/2006	(468275)

143	01/24/2006	(452104)
144	02/06/2006	(437341)
145	02/07/2006	(453479)
146	02/07/2006	(450128)
147	02/13/2006	(450178)
148	02/13/2006	(450341)
149	02/15/2006	(454193)
150	02/21/2006	(468270)
151	02/24/2006	(452413)
152	02/24/2006	(450992)
153	03/21/2006	(468271)
154	04/10/2006	(454251)
155	04/18/2006	(455136)
156	04/21/2006	(498089)
157	04/28/2006	(462859)
158	05/11/2006	(461924)
159	05/11/2006	(463343)
160	05/11/2006	(465492)
161	05/11/2006	(465525)
162	05/11/2006	(464460)
163	05/11/2006	(464168)
164	05/11/2006	(464473)
165	05/11/2006	(464467)
166	05/11/2006	(465518)
167	05/11/2006	(465489)
168	05/12/2006	(463148)
169	05/12/2006	(451451)
170	05/12/2006	(454148)
171	05/12/2006	(454494)
172	05/22/2006	(498090)
173	05/22/2006	(464542)
174	05/30/2006	(461199)
175	06/14/2006	(480809)
176	06/22/2006	(498091)
177	06/28/2006	(465850)
178	07/21/2006	(520109)
179	07/25/2006	(482058)
180	07/27/2006	(485194)
181	08/23/2006	(520110)
182	08/31/2006	(460545)
183	09/19/2006	(520111)
184	09/22/2006	(510639)
185	10/20/2006	(544367)
186	11/15/2006	(517804)
187	11/22/2006	(544368)
188	12/21/2006	(544369)
189	12/28/2006	(335708)
190	12/29/2006	(431565)
191	01/12/2007	(531450)
192	01/18/2007	(532164)
193	01/23/2007	(544370)
194	01/29/2007	(531801)
195	02/01/2007	(538715)
196	02/01/2007	(537518)
197	02/02/2007	(497612)
198	02/05/2007	(466788)
199	02/14/2007	(539270)
200	02/14/2007	(540328)
201	02/21/2007	(575101)
202	02/23/2007	(540617)
203	03/19/2007	(538927)
204	03/20/2007	(575102)
205	04/09/2007	(542889)
206	04/21/2007	(540306)
207	04/26/2007	(575103)
208	05/02/2007	(557540)
209	05/16/2007	(573950)
210	05/17/2007	(554816)

211 05/18/2007 (554787)
212 05/18/2007 (575104)
213 05/21/2007 (558572)
214 06/20/2007 (575105)
215 06/28/2007 (558540)
216 07/10/2007 (565190)
217 07/11/2007 (560069)
218 07/11/2007 (542342)
219 07/20/2007 (575106)
220 07/23/2007 (567241)
221 08/06/2007 (567736)
222 08/10/2007 (574318)
223 08/14/2007 (543994)
224 08/30/2007 (564577)
225 09/20/2007 (593858)

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

Date: 03/30/2004 (332764)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2004 (295007)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/26/2004 (264889)

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

Date: 03/29/2005 (372850)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]

Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

Description: Failure to maintain vent on ground storage tank.

Date: 11/30/2005 (468274)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2006 (468270)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/10/2006 (454251)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: PERMIT PC, 2g
Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification: Minor

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

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT Opr, No. 1
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.
Date: 05/31/2006 (461199)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: The facility failed to update the notice of registration

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.
Date: 06/30/2006 (520109)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2006 (544370)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2007 (575103)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/16/2007 (573950)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.
Date: 08/10/2007 (574318)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.
Date: 08/30/2007 (571169)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 7
OP O-01267, General Terms and Conditions

OP O-01267, SC 27

Description: Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 1A
PERMIT 18936 and PSD-TX-762M2, SC 8
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the 50 ppmv limit for Sulfur dioxide (SO2) on FCCU Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 8
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 46396, SC 4
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 43109, SC 3A and B
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 56385, SC 3
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 17352, SC 4C
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

Self Report? NO Classification: Moderate

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

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

Description: Failure to conduct annual no-detectable emissions monitoring and quarterly visual

inspections for containers managing benzene wastes. MOD (2)A) EIC B1

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 56385, SC 12L
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 54026, SC 5D
PERMIT 54026, SC 6
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to install analyzers on three flares, North, South, and Middle Flares, Unit Ids 41NORTHFLR, 53SOUTHFLR, and 41MIDFLRAE. MOD (2)(A) EIC B1

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 8983A, SC 1
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 56385, SC 3
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 9195A and PSD-TX-453M6, SC 5
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain minimum flame temperatures for four consecutive calendar quarters. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate

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

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

Description: Failure to submit a SDR no later than 30 days after the end of the November 21, 2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B) EIC B3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, GC 8
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC B18

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
TOTAL PETROCHEMICALS USA,	§	
INC.	§	
RN102457520	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1580-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TOTAL PETROCHEMICALS USA, INC. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 public water supply at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Facility") that has approximately 59 service connections and serves at least 25 people per day for at least 60 days per year.

2. 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.

3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2007.

4. 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.

5. An administrative penalty in the amount of Six Hundred Ninety Dollars ($690) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred Fifty-Two Dollars ($552) of the administrative penalty and One Hundred Thirty-Eight Dollars ($138) is deferred contingent upon the Respondent's timely and satisfactory

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COMMISSION
ON ENVIRONMENTAL
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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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 maximum contaminant level ("MCL") of 0.08 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on August 27, 2007. Specifically, the running annual average concentration for TTHM was 0.148 mg/L for the first quarter of 2007, and 0.142 mg/L for the second quarter of 2007.

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 5 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. 2007-1580-PWS-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 undertake the following technical requirements:

a. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; and

b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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. 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.

5. 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.

6. 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.

7. 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

3/21/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

3/19/08
Date

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

Refinery Manager
Title

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