

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-0414-AIR-E TCEQ ID: RN100212109 CASE NO.: 35534**  
**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 checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Total Petrochemicals USA La Porte Plant, 1818 South Battle Ground Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Plastics manufacturing plant</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 two pending enforcement actions regarding this facility location, Docket Nos. 2008-0944-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 June 30, 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> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Don Clauson, Environmental Engineer, Total Petrochemicals USA, Inc., 1818 South Battle Ground Road, La Porte, Texas 77571  Mr. Darrell E. Bailey, Plant Manager, Total Petrochemicals USA, Inc., 1818 South Battle Ground Road, La Porte, Texas 77571  <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 checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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> December 17, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 15, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, 145 pounds of propylene were released when the reaction in Train 8 Propylene Unit became unstable due to a faulty flow meter, resulting in an emissions event that began on October 14, 2007, and lasted for 26 hours and 25 minutes (Incident No. 98719). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78963, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,450</p> <p><b>Total Deferred:</b> \$1,690  <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> \$6,760</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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on December 10, 2007, the Respondent replaced the faulty flow meter that was the cause of emissions event Incident No. 98719, and placed a Preventative Maintenance Program in place to conduct a flow verification check on the flow meter every six months.</p>

Additional ID No(s): HG0036S



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

<b>DATES</b>	<b>Assigned</b>	19-Feb-2008	<b>Screening</b>	11-Mar-2008	<b>EPA Due</b>	11-Nov-2008
	<b>PCW</b>	11-Mar-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Total Petrochemicals USA, Inc.
<b>Reg. Ent. Ref. No.</b>	RN100212109
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35534	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0414-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Nadia Hameed
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **Subtotals 2, 3, & 7**

**Notes**

**Culpability** **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** **Subtotal 5**

Extraordinary  Before NOV  NOV to EDPRP/Settlement Offer

Ordinary  X

N/A  (mark with x)

**Notes**

**0% Enhancement\*** **Subtotal 6**

Total EB Amounts  **\*Capped at the Total EB \$ Amount**  
 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** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

<b>Screening Date</b> 11-Mar-2008	<b>Docket No.</b> 2008-0414-AIR-E	<b>PCW</b>
<b>Respondent</b> Total Petrochemicals USA, Inc.		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35534		<i>PCW Revision February 29, 2008</i>
<b>Reg. Ent. Reference No.</b> RN100212109		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Nadia Hameed		

### 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>	6	30%
	Other written NOVs	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	7	140%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 263%

>> Repeat Violator (Subtotal 3)

No

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

>> Compliance History Person Classification (Subtotal 7)

Average Performer

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

>> Compliance History Summary

**Compliance History Notes**

Penalty enhancement due to seven 1660 agreed orders with denial, two agreed orders without denial, six same or similar NOV's, and 22 non-similar NOV's of which 15 were Discharge Monitoring Reports (DMRs).  
Penalty reduction for one Notice of Audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 263%

Screening Date 11-Mar-2008

Docket No. 2008-0414-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35534

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Standard Permit No. 78963, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 145 pounds of propylene were released when the reaction in Train 8 Propylene Unit became unstable due to a faulty flow meter, resulting in an emissions event that began on October 14, 2007, and lasted for 26 hours and 25 minutes (Incident No. 98719). Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes 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.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Total Petrochemicals USA, Inc.  
**Case ID No.** 35534  
**Reg. Ent. Reference No.** RN100212109  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				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)	\$10,000	14-Oct-2007	10-Dec-2007	0.2	\$78	n/a	\$78

Notes for DELAYED costs

Estimated cost of changing the faulty flow meter and for putting a Preventative Maintenance Program in place. Date required is the date of the emissions event. Final date is the date on which the corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	<b>TOTAL</b>	\$78
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## 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	AFS NUM	4820100008	
	AIR NEW SOURCE PERMITS	PERMIT	2269C	
	AIR NEW SOURCE PERMITS	PERMIT	5236B	
	AIR NEW SOURCE PERMITS	PERMIT	21538	
	AIR NEW SOURCE PERMITS	PERMIT	35874	
	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	78962	
	AIR NEW SOURCE PERMITS	REGISTRATION	16138	
	AIR NEW SOURCE PERMITS	REGISTRATION	21538	
	AIR NEW SOURCE PERMITS	REGISTRATION	2560	
	AIR NEW SOURCE PERMITS	REGISTRATION	41719	
	AIR NEW SOURCE PERMITS	PERMIT	83796	
	WASTEWATER	PERMIT	WQ0001000000	
	WASTEWATER	PERMIT	TPDES0007421	
	WASTEWATER	PERMIT	TX0007421	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD086981172	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30551	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50374	
	WATER LICENSING	LICENSE	1010880	
	STORMWATER	PERMIT	TXR05M372	
Location:	1818 S BATTLEGROUND RD, LA PORTE, TX, 77571		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	March 11, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 11, 2003 to March 11, 2008			

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

Name: NHameed Phone: 713-767-3629

### 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 Inclinerator 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.

Effective Date: 01/28/2008

ADMINORDER 2007-1139-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 No. 3908B PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 204 pounds ("lbs") of unauthorized emissions of polypropylene were released into the atmosphere from the Monument 2 Flare due to TOTAL's failure to clean the V-882 Propane Knock-out Drum's demister pad. The emissions event occurred on February 20, 2007 and lasted twelve hours.

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	03/14/2003	(160556)
2	03/18/2003	(296374)
3	03/24/2003	(160535)
4	04/16/2003	(160540)
5	05/22/2003	(160544)
6	06/16/2003	(160548)
7	06/26/2003	(27171)
8	07/21/2003	(160552)
9	08/01/2003	(147147)
10	08/29/2003	(152894)
11	09/08/2003	(247910)
12	09/19/2003	(296385)
13	10/14/2003	(296390)
14	10/21/2003	(296387)
15	11/24/2003	(296388)
16	12/29/2003	(296389)
17	01/05/2004	(255495)
18	02/23/2004	(296371)
19	03/16/2004	(265480)
20	03/29/2004	(263338)
21	04/12/2004	(296375)
22	05/12/2004	(269428)
23	05/12/2004	(269433)

24	05/21/2004	(296378)
25	05/26/2004	(272485)
26	06/02/2004	(269938)
27	06/07/2004	(296382)
28	06/14/2004	(274068)
29	06/21/2004	(296380)
30	07/09/2004	(296376)
31	07/22/2004	(280434)
32	08/11/2004	(286884)
33	08/24/2004	(352560)
34	09/01/2004	(279062)
35	09/01/2004	(278961)
36	09/20/2004	(352561)
37	10/08/2004	(335547)
38	10/13/2004	(352562)
39	10/18/2004	(335599)
40	10/19/2004	(335923)
41	10/22/2004	(337805)
42	11/03/2004	(338415)
43	11/11/2004	(290843)
44	11/12/2004	(335862)
45	11/16/2004	(352563)
46	11/23/2004	(352564)
47	12/13/2004	(338130)
48	12/13/2004	(336657)
49	12/14/2004	(338399)
50	12/20/2004	(338479)
51	12/20/2004	(295860)
52	12/20/2004	(338218)
53	12/27/2004	(382038)
54	12/28/2004	(338056)
55	12/29/2004	(343604)
56	12/29/2004	(343603)
57	12/31/2004	(290574)
58	12/31/2004	(291344)
59	01/06/2005	(291924)
60	01/06/2005	(337400)
61	01/07/2005	(338040)
62	01/07/2005	(292094)
63	01/07/2005	(336686)
64	01/10/2005	(262199)
65	01/13/2005	(345723)
66	01/26/2005	(342525)
67	02/22/2005	(382035)
68	02/23/2005	(349878)
69	02/24/2005	(350282)
70	02/24/2005	(350275)
71	03/01/2005	(349965)
72	03/02/2005	(372226)
73	03/08/2005	(372848)
74	03/21/2005	(382036)
75	03/22/2005	(382037)
76	03/24/2005	(349942)
77	03/24/2005	(372227)
78	03/29/2005	(371421)
79	04/01/2005	(375065)
80	04/08/2005	(348307)
81	04/28/2005	(374278)
82	06/03/2005	(419886)
83	06/03/2005	(376795)
84	06/23/2005	(379202)
85	06/24/2005	(419887)
86	06/27/2005	(392492)
87	07/05/2005	(395955)
88	07/05/2005	(396243)
89	07/08/2005	(395152)
90	07/08/2005	(395145)
91	07/08/2005	(395147)

92	07/12/2005	(398015)
93	08/10/2005	(404200)
94	08/19/2005	(441002)
95	08/23/2005	(404907)
96	08/25/2005	(405920)
97	09/12/2005	(441005)
98	09/19/2005	(441003)
99	10/21/2005	(441004)
100	11/03/2005	(418739)
101	11/21/2005	(435975)
102	11/28/2005	(468737)
103	01/24/2006	(468738)
104	01/24/2006	(468739)
105	02/14/2006	(468736)
106	02/15/2006	(453303)
107	02/21/2006	(455020)
108	02/23/2006	(455888)
109	02/25/2006	(456928)
110	02/27/2006	(456559)
111	02/28/2006	(457140)
112	02/28/2006	(457170)
113	02/28/2006	(457150)
114	03/20/2006	(498411)
115	04/24/2006	(463428)
116	04/25/2006	(458264)
117	04/27/2006	(456175)
118	05/01/2006	(498412)
119	05/16/2006	(463577)
120	05/16/2006	(463907)
121	05/16/2006	(465691)
122	05/17/2006	(465592)
123	05/26/2006	(467560)
124	05/30/2006	(498413)
125	05/31/2006	(480475)
126	05/31/2006	(480470)
127	06/07/2006	(498416)
128	06/20/2006	(498414)
129	06/22/2006	(482925)
130	06/22/2006	(482832)
131	06/23/2006	(483058)
132	06/29/2006	(481055)
133	06/29/2006	(484017)
134	07/12/2006	(484022)
135	07/13/2006	(498415)
136	07/14/2006	(484429)
137	07/26/2006	(487037)
138	08/03/2006	(487671)
139	08/03/2006	(488357)
140	08/04/2006	(345748)
141	08/17/2006	(484538)
142	08/21/2006	(520418)
143	08/21/2006	(520420)
144	09/05/2006	(497455)
145	09/05/2006	(509499)
146	09/07/2006	(510865)
147	09/08/2006	(489217)
148	09/22/2006	(520419)
149	10/06/2006	(530970)
150	10/16/2006	(511833)
151	10/20/2006	(575734)
152	11/06/2006	(516491)
153	11/20/2006	(517197)
154	11/21/2006	(575735)
155	11/21/2006	(516694)
156	02/05/2007	(534573)
157	02/12/2007	(575728)
158	02/15/2007	(539452)
159	03/09/2007	(539872)

160	03/13/2007	(542326)
161	03/19/2007	(536804)
162	03/22/2007	(542671)
163	03/22/2007	(542675)
164	03/22/2007	(575729)
165	04/04/2007	(575733)
166	04/10/2007	(543717)
167	04/12/2007	(540389)
168	04/13/2007	(575730)
169	04/23/2007	(556287)
170	04/30/2007	(542574)
171	05/08/2007	(559591)
172	05/14/2007	(556174)
173	05/16/2007	(555746)
174	05/16/2007	(555751)
175	05/16/2007	(575731)
176	05/25/2007	(536112)
177	05/30/2007	(556956)
178	05/31/2007	(559123)
179	05/31/2007	(559121)
180	06/08/2007	(562000)
181	06/08/2007	(555120)
182	06/15/2007	(555757)
183	06/18/2007	(561134)
184	06/19/2007	(562094)
185	06/20/2007	(561136)
186	06/21/2007	(560635)
187	06/21/2007	(560640)
188	06/22/2007	(575732)
189	06/25/2007	(560632)
190	06/27/2007	(561137)
191	07/05/2007	(560624)
192	07/18/2007	(565537)
193	07/24/2007	(561139)
194	07/30/2007	(565237)
195	08/13/2007	(566645)
196	08/20/2007	(607606)
197	08/29/2007	(565319)
198	09/11/2007	(569993)
199	09/21/2007	(607607)
200	09/26/2007	(570766)
201	10/17/2007	(594536)
202	10/18/2007	(594393)
203	10/23/2007	(619670)
204	10/23/2007	(619672)
205	11/12/2007	(619673)
206	11/12/2007	(599234)
207	11/19/2007	(572263)
208	11/20/2007	(597561)
209	11/26/2007	(619671)
210	11/30/2007	(600058)
211	12/07/2007	(600059)
212	12/11/2007	(597559)
213	12/17/2007	(609853)
214	01/28/2008	(570970)
215	01/30/2008	(613375)
216	02/15/2008	(612150)
217	03/10/2008	(616237)
218	03/10/2008	(616035)

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

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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)

Description: API failed to include facts why repairs of leaking components with list components tag numbers in the PP9 Train were not made within 15 days in their semiannual reports.  
API failed to include facts why repairs of leaking components with list components tag numbers in the PP9 Train were not made within 15 days in thei  
Date: 03/29/2004 (263338)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PA Permit No. 21538, Special Condition 6  
Description: The facility failed to control unauthorized emissions.  
Date: 06/30/2004 (296382)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 08/31/2004 (352561)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 11/30/2004 (382038)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 05/31/2005 (419887)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 06/22/2005 (379202)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
Description: Failure to properly seal the end of a line containing VOCs  
Date: 07/08/2005 (395145)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Description: Failure to update the Notice of Registration (NOR)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174  
Description: Failure to conduct the inspection of containers on a regular weekly basis  
Date: 07/31/2005 (441002)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 02/15/2006 (453303)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT NSR Permit 21538, Special Condition 6  
 OP OP O-01293, Special Condition 11

Description: Exceeded their MAERT limit because the temperature in the Enclosed Vapor Combustor was not maintain in order to achieve the destruction efficiency for VOC.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 4  
 OP OP O-01293, Special Condition 11

Description: Exceeded their VOC emissions limits in Train 7.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 10  
 OP OP O-01293, Special Condition 11

Description: Failed to measure the residual VOC concentration in Train 7 using an approved TCEQ test method.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.146(4)

Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 18D  
 OP OP O-01293, Special Condition 11

Description: Failed to measure the residual VOC concentration in Trains 8 & 9 using an approved TCEQ test method.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Description: Failed to seal open-ended lines, which is a violation of 30 TAC 115.3552(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 1115.782(b)(1) .

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

Description: Exceeded the 3 percent threshold of difficult to monitor valves in relation to the total number of valves, which is a violation of 40 CFR 60.482-7(h)(2).

Date: 05/31/2006 (498414)

Self Report? YES Classification: Moderate

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

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)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/11/2007 (540389)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
 30 TAC Chapter 305, SubChapter F 305.125(5)  
 TWC Chapter 26 26.121  
 TWC Chapter 26 26.121(a)  
 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 Report.

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  
Date: 09/30/2007 (619670)  
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: 10/31/2007 (619671)  
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**

§ **BEFORE THE**  
§  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0414-AIR-E**

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

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Total Petrochemicals USA, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a plastics manufacturing plant at 1818 South Battle Ground Road in La Porté, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and 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 February 20, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Four Hundred Fifty Dollars (\$8,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Seven Hundred Sixty Dollars (\$6,760)



of the administrative penalty and One Thousand Six Hundred Ninety Dollars (\$1,690) 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 recognizes that on December 10, 2007, the Respondent replaced the faulty flow meter that was the cause of emissions event Incident No. 98719, and placed a Preventative Maintenance Program in place to conduct a flow verification check on the flow meter every six months.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78963, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 17, 2007. Specifically, 145 pounds of propylene were released when the reaction in Train 8 Propylene Unit became unstable due to a faulty flow meter, resulting in an emissions event that began on October 14, 2007, and lasted for 26 hours and 25 minutes (Incident No. 98719). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**



1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals USA, Inc., Docket No. 2008-0414-AIR-E" to:

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

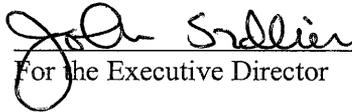
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, 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.
4. 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.
5. 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

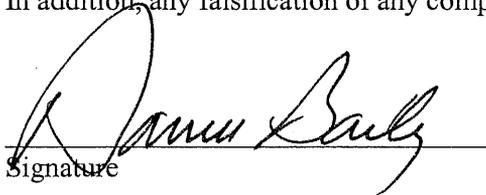
\_\_\_\_\_  
Date 6/30/2008

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 4/21/08

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.

