

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-0095-AIR-E **TCEQ ID:** RN100216977 **CASE NO.:** 35213
RESPONDENT NAME: Sabina Petrochemicals LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: BASF Fina NAFTA Region Olefins Complex, Highway 366, Gate 99, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are 5 additional pending enforcement actions, Docket Numbers 2005-1862-AIR-E, 2006-1578-AIR-E, 2007-1481-AIR-E, 2007-1663-AIR-E, 2008-0575-AIR-E, regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Christopher Witte, General Manager, Sabina Petrochemicals LLC, P.O. Box 2506, Port Arthur, Texas 77643 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 23 through November 5, 2007</p> <p>Date of NOV/NOE Relating to this Case: January 3, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to maintain the rolling 12 month period cap emissions rate. Specifically, in December 2006, carbon monoxide ("CO") emissions exceeded the rolling 12 month cap by 27.06 tons and nitrogen oxides ("NOx") by 3.65 tons from High Pressure Flare, emissions point number ("EPN") P-7 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") O-02629, General Terms and Conditions ("GTC") and Special Condition ("SC") 8, and New Source Review ("NSR") Permit 41945, SC 1].</p> <p>2) Failure to maintain the rolling 12 month period cap emissions rate. Specifically, in December 2006, CO emissions exceeded the rolling 12 month cap by 8.3 tons and NOx by 1.14 tons from Low Pressure Flare, EPN P-6 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-02629, GTC and SC 8, and NSR Permit 41945, SC 1].</p> <p>3) Failure to properly install a sample port to ensure a representative sample of the water returning to the cooling tower [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH</p>	<p>Total Assessed: \$19,400</p> <p>Total Deferred: \$3,880 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,760</p> <p>Total Paid to General Revenue: \$7,760</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented corrective measures at the Plant by installing a sample port at the cooling tower in the proper location on November 30, 2007.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, design and implement procedures to ensure the 12 month rolling emissions cap is maintained; and</p> <p>b. Within 45 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.</p>

RESPONDENT NAME: Sabina Petrochemicals LLC
DOCKET NO.: 2008-0095-AIR-E

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& SAFETY CODE § 382.085(b), FOP O-02629, GTC and SC 8, and NSR Permit 41945, SC 14A].		
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Additional ID No(s): JE0834F

Attachment A
Docket Number: 2008-0095-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Sabina Petrochemicals LLC

Payable Penalty Amount: Fifteen Thousand Five Hundred Twenty Dollars (\$15,520)

SEP Amount: Seven Thousand Seven Hundred Sixty Dollars (\$7,760)

Type of SEP: Pre-approved

Third-Party Recipient: Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles

Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

Sabina Petrochemicals LLC
Agreed Order – Attachment A

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Judge Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	7-Jan-2008	Screening	14-Jan-2008	EPA Due	
	PCW	5-Feb-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Sabina Petrochemicals LLC
Reg. Ent. Ref. No.	RN100216977
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35213	No. of Violations	3
Docket No.	2008-0095-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Aaron Houston
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	94% Enhancement	Subtotals 2, 3, & 7	\$9,400
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Notes
Penalty enhancement due to: six (6) NOVs for same or similar violations, three (3) NOVs for unrelated violations including one (1) self-reported effluent violation, and three (3) Agreed Orders containing a denial of liability. Penalty reduction due to two (2) letters of intended audits.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith criteria.

Approx. Cost of Compliance	Total EB Amounts	\$158	0% Enhancement*	Subtotal 6	\$0
		\$3,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,400
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$19,400

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,400
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DEFERRAL	20% Reduction	Adjustment	-\$3,880
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,520
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Screening Date 14-Jan-2008

Docket No. 2008-0095-AIR-E

PCW

Respondent Sabina Petrochemicals LLC

Policy Revision 2 (September 2002)

Case ID No. 35213

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Aaron Houston

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)	6	30%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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	0	0%
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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 94%

>> 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: six (6) NOVs for same or similar violations, three (3) NOVs for unrelated violations including one (1) self-reported effluent violation, and three (3) Agreed Orders containing a denial of liability. Penalty reduction due to two (2) letters of intended audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 94%

Screening Date 14-Jan-2008	Docket No. 2008-0095-AIR-E	PCW
Respondent Sabina Petrochemicals LLC		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35213		<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No. RN100216977		
Media [Statute] Air		
Enf. Coordinator Aaron Houston		

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") O-02629, General Terms and Conditions ("GTC") and Special Condition ("SC") 8, and New Source Review ("NSR") Permit 41945, SC 1
Violation Description	Failed to maintain the rolling 12 month period cap emissions rate. Specifically, in December 2006, carbon monoxide ("CO") emissions exceeded the rolling 12 month cap by 27.06 tons and nitrogen oxides ("NOx") by 3.65 tons from High Pressure Flare, emissions point number ("EPN") P-7.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual		x		
Potential				50%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.				

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 31 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$76

Violation Final Penalty Total \$9,700

This violation Final Assessed Penalty (adjusted for limits) \$9,700

Economic Benefit Worksheet

Respondent: Sabina Petrochemicals LLC
 Case ID No. 35213
 Reg. Ent. Reference No. RN100216977
 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
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Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	1-Dec-2006	5-Jun-2008	1.5	\$76	n/a	\$76
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of training personnel to operate the High Pressure Flare in accordance with permit requirements. Date required is the date the High Pressure Flare breached its maximum allowable emissions rate; final date is the estimated date corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$76

Screening Date 14-Jan-2008	Docket No. 2008-0095-AIR-E	PCW
Respondent Sabina Petrochemicals LLC	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35213	<small>PCW Revision November 6, 2007</small>	
Reg. Ent. Reference No. RN100216977		
Media [Statute] Air		
Enf. Coordinator Aaron Houston		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-02629, GTC and SC 8, and NSR Permit 41945, SC 1	
Violation Description	Failed to maintain the rolling 12 month period cap emissions rate. Specifically, in December 2006, CO emissions exceeded the rolling 12 month cap by 8.3 tons and NOx by 1.14 tons from Low Pressure Flare, EPN P-6.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="31"/>	Number of violation days
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<small>mark only one with an x</small>	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 <input type="text" value="\$76"/>	Violation Final Penalty Total <input type="text" value="\$4,850"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,850"/>	

Economic Benefit Worksheet

Respondent: Sabina Petrochemicals LLC
Case ID No.: 35213
Reg. Ent. Reference No.: RN100216977
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	1-Dec-2006	5-Jun-2008	1.5	\$76	n/a	\$76
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of training personnel to operate the Low Pressure Flare in accordance with permit requirements. Date required is the date the Low Pressure Flare breached its maximum allowable emissions rate; final date is the estimated date corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$76

Screening Date 14-Jan-2008	Docket No. 2008-0095-AIR-E	PCW		
Respondent Sabina Petrochemicals LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35213	<i>PCW Revision November 6, 2007</i>			
Reg. Ent. Reference No. RN100216977				
Media [Statute] Air				
Enf. Coordinator Aaron Houston				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-02629, GTC and SC 8, and NSR Permit 41945, SC 14A			
Violation Description	Failed to properly install a sample port to ensure a representative sample of the water returning to the cooling tower.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	
		Percent	<input type="text" value="25%"/>	
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.			
Adjustment		<input type="text" value="\$7,500"/>		
		<input type="text" value="\$2,500"/>		
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="36"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Violation Base Penalty			<input type="text" value="\$2,500"/>	
One quarterly event is recommended. Number of violation days is assessed from the determination of the violation on October 26, 2007 to corrective action completion of November 30, 2007.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$7"/>	Violation Final Penalty Total	
			<input type="text" value="\$4,850"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$4,850"/>	

Economic Benefit Worksheet

Respondent: Sabina Petrochemicals LLC
Case ID No.: 35213
Reg. Ent. Reference No.: RN100216977
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	26-Oct-2007	30-Nov-2007	0.1	\$0	\$6	\$7
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of installing a sample port on the cooling tower. Date required is date the violation was found; final date is the date corrective action was completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$7

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

Rqmt Prov: GC 8 PERMIT
SC 1 PERMIT

SC 18 PERMIT

Description: Failure to maintain NOX from the Supplemental Boiler Stack below the MAERT limit of 13.65 lb/hr and the limit for the Heat Specific Factor of .060 lb/MMBtu.

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: GC 8 PERMIT
SC 1 PERMIT

SC 15 PERMIT

Description: Failure to maintain NOX from the Cogeneration Train 2 Stack below the MAERT limit of 26.96 lb/hr and the combined emissions from the gas turbine plus duct burner.

Effective Date: 04/10/2005 ADMINORDER 2003-1317-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)(1)(B)
30 TAC Chapter 101, SubChapter A 101.7(c)(3)

30 TAC Chapter 101, SubChapter F 101.211(a)(1)(E)
30 TAC Chapter 101, SubChapter F 101.211(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the expected and actual times of scheduled start-up activities at the Ethylene Unit on the initial and final notifications for startup period November 6, 2001 through January 8, 2002.

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: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

30 TAC Chapter 101, SubChapter F 101.201(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; failure to determine if emissions events were reportable.

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: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office the compounds and estimated quantities for the compounds of a reportable upset at the Ethylene Unit.

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(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
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 properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
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 properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

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: 1 PERMIT
23 PERMIT

23A 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 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: 13C PERMIT
20 PERMIT

PSD-TX-903, SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

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: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Major

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: 26 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include types of compounds and estimated total quantities for NOx and CO on final report notifications.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

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

Rqmt Prov: 13C PERMIT

Description: Failure to maintain compliance with visible emission limitations for gas flares.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)

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

Description: Failure to submit a final report to the TCEQ Beaumont Regional Office within 14 days of the end of the event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 101, SubChapter F 101.211(c)

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

Description: Failure to make a final maintenance notification within 14 days of the end of the event.

Effective Date: 10/19/2006

ADMINORDER 2005-0456-AIR-E

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

Rqmt Prov: Permit 41945, PSD-TX-950, and N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38454

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39497

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39496

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: Special Condition No. 1 PERMIT

Description: Failure to prevent emissions from the Flow Valve - Crude C4 Line in the C4 Complex. Incident No. 47680

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38856

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the High Pressure Flare (EPN P-7). Incident 38862

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

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incidents 38857, 38858, & 38860

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

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the Low Pressure Flare (EPN P-6). Incident 38861

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

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43641.

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

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43644.

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

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43650.

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: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7).

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

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38858

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

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38860

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: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 56392

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	01/15/2003	(19957)
2	01/21/2003	(234945)
3	01/28/2003	(21739)
4	02/20/2003	(234925)

5	03/24/2003	(234927)
6	04/03/2003	(16244)
7	04/17/2003	(29115)
8	04/22/2003	(327653)
9	04/25/2003	(27482)
10	05/22/2003	(327654)
11	06/10/2003	(35909)
12	06/20/2003	(327656)
13	07/03/2003	(43208)
14	07/16/2003	(112861)
15	07/22/2003	(327658)
16	08/22/2003	(327659)
17	09/05/2003	(119152)
18	09/23/2003	(327660)
19	10/17/2003	(327661)
20	10/30/2003	(253638)
21	11/06/2003	(254209)
22	11/20/2003	(327662)
23	12/11/2003	(144479)
24	12/17/2003	(248013)
25	12/17/2003	(254861)
26	12/29/2003	(257254)
27	12/29/2003	(327664)
28	01/14/2004	(259423)
29	01/16/2004	(327665)
30	01/16/2004	(259390)
31	02/18/2004	(260861)
32	02/23/2004	(327651)
33	02/26/2004	(261623)
34	02/27/2004	(261562)
35	02/27/2004	(264339)
36	03/22/2004	(327652)
37	03/24/2004	(262485)
38	04/22/2004	(367172)
39	05/12/2004	(270524)
40	05/13/2004	(267724)
41	05/18/2004	(367173)
42	05/21/2004	(267205)
43	05/21/2004	(266870)
44	05/21/2004	(266755)
45	06/01/2004	(267732)
46	06/17/2004	(327657)
47	07/19/2004	(367174)
48	08/10/2004	(278952)
49	08/10/2004	(278542)
50	08/10/2004	(278948)
51	08/10/2004	(278949)
52	08/10/2004	(278950)
53	08/24/2004	(367175)
54	09/21/2004	(367176)
55	09/21/2004	(367178)
56	10/22/2004	(367177)
57	11/22/2004	(278953)
58	12/22/2004	(390150)
59	01/21/2005	(390151)
60	02/08/2005	(348963)
61	02/10/2005	(344242)
62	02/10/2005	(343973)
63	02/10/2005	(344219)
64	02/10/2005	(343769)
65	02/10/2005	(343578)
66	02/11/2005	(278954)
67	02/11/2005	(278958)
68	02/11/2005	(341798)
69	02/11/2005	(344252)

70 02/18/2005 (348961)
71 02/18/2005 (348919)
72 02/23/2005 (427633)
73 03/03/2005 (343703)
74 03/03/2005 (262072)
75 03/07/2005 (338015)
76 03/07/2005 (344251)
77 03/22/2005 (390149)
78 03/30/2005 (344244)
79 03/30/2005 (343817)
80 03/30/2005 (344248)
81 03/30/2005 (344253)
82 04/01/2005 (344250)
83 04/18/2005 (427634)
84 05/10/2005 (278956)
85 05/10/2005 (427635)
86 06/03/2005 (378687)
87 06/20/2005 (427636)
88 06/30/2005 (392984)
89 07/05/2005 (380492)
90 07/05/2005 (398319)
91 07/06/2005 (398263)
92 07/07/2005 (338249)
93 07/27/2005 (393566)
94 08/10/2005 (399867)
95 08/12/2005 (402436)
96 08/12/2005 (379097)
97 08/23/2005 (447657)
98 08/24/2005 (287879)
99 08/31/2005 (285271)
100 09/01/2005 (447656)
101 09/19/2005 (447658)
102 10/21/2005 (492719)
103 11/10/2005 (435935)
104 11/28/2005 (492720)
105 12/09/2005 (436076)
106 12/16/2005 (437551)
107 12/21/2005 (492721)
108 01/24/2006 (492722)
109 01/27/2006 (450346)
110 02/22/2006 (492717)
111 02/27/2006 (453972)
112 02/27/2006 (439417)
113 03/22/2006 (492718)
114 03/30/2006 (461163)
115 03/30/2006 (461169)
116 03/30/2006 (460864)
117 04/19/2006 (506384)
118 05/12/2006 (460115)
119 05/16/2006 (465406)
120 05/22/2006 (465286)
121 05/23/2006 (461740)
122 05/23/2006 (506385)
123 06/08/2006 (465332)
124 06/08/2006 (337298)
125 06/19/2006 (506386)
126 07/21/2006 (528616)
127 08/21/2006 (528617)
128 08/22/2006 (461611)
129 08/22/2006 (487941)
130 08/29/2006 (510272)
131 09/18/2006 (508808)

132 09/18/2006 (489929)
133 09/18/2006 (489930)
134 09/26/2006 (512738)
135 09/26/2006 (528618)

136	09/26/2006	(528619)
137	10/10/2006	(509369)
138	11/03/2006	(512514)
139	11/21/2006	(551921)
140	11/21/2006	(551922)
141	12/15/2006	(551923)
142	12/20/2006	(398261)
143	12/20/2006	(533392)
144	01/22/2007	(589231)
145	01/31/2007	(537305)
146	02/08/2007	(537506)
147	02/09/2007	(539274)
148	03/19/2007	(589227)
149	03/19/2007	(589228)
150	05/14/2007	(589229)
151	05/21/2007	(559801)
152	05/21/2007	(559168)
153	06/21/2007	(589230)
154	07/23/2007	(605777)
155	07/31/2007	(538827)
156	08/16/2007	(557840)
157	08/20/2007	(519464)
158	08/23/2007	(605778)
159	08/23/2007	(572334)
160	08/24/2007	(567435)
161	08/28/2007	(571955)
162	09/14/2007	(568320)
163	09/14/2007	(568498)
164	09/24/2007	(605776)
165	09/24/2007	(605779)
166	09/24/2007	(605780)
167	10/05/2007	(571498)
168	10/05/2007	(571538)
169	10/11/2007	(572093)
170	10/12/2007	(572823)
171	10/12/2007	(572320)
172	10/12/2007	(572746)
173	10/12/2007	(572490)
174	10/12/2007	(572737)
175	10/30/2007	(515193)
176	11/12/2007	(598216)
177	11/12/2007	(598249)
178	11/16/2007	(600519)
179	11/29/2007	(601118)
180	12/17/2007	(609075)
181	01/03/2008	(600699)

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

Date	02/26/2004	(261623)		
Self Report?	NO		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:	PERMIT Permit No. 36644; PSD-TX-903			
Description:	On January 5, 2004, during the decoking process of Heater H-0800, an excess opacity event of greater than 5 percent occurred at EPN N-18.			
Date	05/07/2004	(267732)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.10(b)(5)			
Description:	Failure to properly complete uniform hazardous waste manifests.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(4) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)			
Description:	Failure to include an inventory of emergency equipment in the facility's contingency plan.			
Self Report?	NO		Classification	Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to include the addresses of the emergency coordinators in the facility's contingency plan.
Date 05/12/2006 (460115)
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 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 41945/PSD-TX-950/N-018, SC 13C
PERMIT 41945/PSD-TX-950/N-018, SC 2A
PERMIT 41945/PSD-TX-950/N-018, SC 2D
Description: Failure to properly operate the High Pressure Flare, Emission Point Number (EPN) P-7.

Date 08/17/2007 (557840)
Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007
OP O-01877
Description: Failure to maintain an emission rate below the allowable limit for Nitrogen Oxides (NOx) and Carbon Monoxide (CO) at Co-generation Unit 1 (GTG-1), Emission Point Number N-20A.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007
OP O-01877
Description: Failure to maintain an emission rate below the allowable limit for NOx at Co-generation Unit 2 (GTG-2), Emission Point Number N-20B.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007
OP O-01877
Description: Failure to maintain an emission rate below the allowable limit for NOx and CO at the Auxiliary Boiler (B-7240), Emission Point Number N-14.

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 36644 / PSD-TX-903 / N-007
OP O-01877
Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 6 parts per million (ppm) NOx for Co-generation Unit 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 36644 / PSD-TX-903 / N-007
OP O-01877
Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 9 parts per million (ppm) NOx for Co-generation Unit 2.

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 36644 / PSD-TX-903 / N-007
 OP O-01877
 Description: Failure to maintain an emission rate below the allowable limit for NOx and CO at the Auxiliary Boiler (B-7240), Emission Point Number N-14.
 Date 08/20/2007 (519464)
 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 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT O-02629
 Description: Failure to report 624 hourly deviations for the C4 Cooling Tower within 30-days of the end of the six-month deviation period.
 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 41945, PSD-TX-950, N-018
 PERMIT O-02629
 Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 lbs/MMBtu for NOx for the C4 Boiler. B13
 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 41945, PSD-TX-950, N-018
 PERMIT O-02629
 Description: Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 6 parts per million by volume (ppmv) of NOx. B13
 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 41945, PSD-TX-950, N-018
 PERMIT O-02629
 Description: Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 100 parts per million by volume (ppmv) of CO. B13
 Self Report? NO 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)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
 PERMIT O-02629
 Description: Failure to maintain an emission rate below the allowable limit for NOx at C4 Boiler, EPN BLR. B13
 Self Report? NO 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 D 382.085(b)
 Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
 Description: Failure to maintain an emission rate below the allowable limit for CO at C4 Boiler, EPN BLR. B13
 Self Report? NO 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 D 382.085(b)
 Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
 Description: Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 5 ppmv of Ammonia (NH3) slip. B13
 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 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 Part 60, Subpart VV 60.482-6 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 41945, PSD-TX-950, N-018 PERMIT O-02629		
Description:	Failure to maintain five components with a cap, plug, second valve, or blind flange. B19g1		
Date	08/28/2007 (572764)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 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) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 36644, PDS-TX-903, N-007 PERMIT O-02551		
Description:	Failure to prevent 61 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1 and F-4 Units. C10		
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 36644, PDS-TX-903, N-007 PERMIT O-02551		
Description:	Failure to maintain compliance with the one hour firing rate permit limitations of 0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for Heaters H-100, H-200, H-300, H-400, H-500, H-600, H-700, H-800, and H6102. In addition, failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBtu for Carbon Monoxide (CO), for Heaters H-100, H-200, H-300, H-400, H-500, H-600, and H-700. B-13		
Self Report?	NO	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) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 36644, PDS-TX-903, N-007 PERMIT O-02551		
Description:	Failure to maintain compliance with pound per hour permit limits for Nitrogen Oxides (NOx) for Heaters H-200, H-600, and H-700. B-13		
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 36644, PDS-TX-903, N-007 PERMIT O-02551		
Description:	Failure to maintain the ground flare gas minimum net heating value above 900 Btu/scf. B-13		
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 36644, PDS-TX-903, N-007 PERMIT O-02551		
Description:	Failure to operate the Thermal Oxidizer at temperatures of 1,800 degrees Fahrenheit or greater. B-13		
Self Report?	NO	Classification	Minor
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 Part 60, Subpart NNN 60.665(l)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 36644, PDS-TX-903, N-007 PERMIT O-02551		
Description:	Failure to report two by-pass events for the Thermal Oxidizer on the NSPS 40 CFR Part 60, Subpart NNN semi-annual report. C3		
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)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT O-02551
Description: Failure to report deviations on semi annual deviation reports. B13
Date 08/31/2007 (605779)

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 10/11/2007 (572093)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(4)
30 TAC Chapter 116, SubChapter F 116.615(5)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007
OP O-02551

Description: Failure to provide notification of start of construction for the following; Boilers B-7280 and B-7290, Enclosed Ground Flare and Cracking Furnace H-0900 no later than 15 working days after the commencement of construction.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)(i)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007
OP O-02551

Description: Failure to submit notification of actual date of initial start-up in a manner as to allow a representative of the TCEQ to be present at the commencement of operations.

Date 01/03/2008 (600986)

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 A 382.085(b)

Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
OP O-02629

Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 pounds per million British thermal units (lbs/MMBtu) of Nitrogen Oxides (NOx) from the C4 Boiler, EPN: BLR.

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 A 382.085(b)

Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
OP O-02629

Description: Failure to prevent emissions from exceeding 6 parts ppmv of NOx. on an hourly basis, from the C4 Boiler, EPN: BLR.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
OP O-02629

Description: Failure to maintain an emission rate below 1.8 pounds per hour (lbs/hr) of NOx from the C4 Boiler, EPN: BLR.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
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)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
OP O-02629

Description: Failure to prevent open-ended line or valve without a cap, plug, second valve, or blind flange on 37 components in the C4 Unit.

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 A 382.085(b)

Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
OP O-02629

Description: Failure to conduct audio, olfactory, and visual checks for Ammonia (NH3) leaks within the operating area every 12 hours.

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 A 382.085(b)

Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018
OP O-02629

Description: Failure to maintain records of pilot flame presence in addition to the flow and composition parameters during operation of the High Pressure (EPN: P-7) and Low Pressure (EPN: P-6) Flares.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.263
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02629

Description: Failure to provide records for the use of two portable carbon adsorption systems (CAS) used in the C4 facility during the August 2007 turnaround.

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)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02629

Description: Failure to report deviations on semi-annual deviation reports.

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 115, SubChapter D 115.355(1)
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 60.485(b)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 41945 Special Condition 9F
OP O-02629

Description: Failure to follow 40 CFR 60, Appendix A, Method 21 when conducting fugitive emission monitoring.

F. Environmental audits.

Notice of Intent Date: 04/27/2007 (561243)
No DOV Associated

Notice of Intent Date: 05/29/2007 (564833)
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
SABINA PETROCHEMICALS LLC
RN100216977**

§
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§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0095-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 Sabina Petrochemicals LLC ("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 petrochemical plant at Highway 366, Gate 99 in Port Arthur, Jefferson 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 January 8, 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 Nineteen Thousand Four Hundred Dollars (\$19,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Seven Hundred Sixty Dollars (\$7,760) of the administrative penalty and Three Thousand Eight Hundred Eighty Dollars (\$3,880) 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. Seven Thousand Seven Hundred Sixty Dollars (\$7,760) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent has implemented corrective measures at the Plant by installing a sample port at the cooling tower in the proper location on November 30, 2007.
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:

1. Failed to maintain the rolling 12 month period cap emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") O-02629, General Terms and Conditions ("GTC") and Special Condition ("SC") 8, and New Source Review ("NSR") Permit 41945, SC 1, as documented during an investigation conducted on October 23 through November 5, 2007. Specifically, in December 2006, carbon monoxide ("CO") emissions exceeded the rolling 12 month cap by 27.06 tons and nitrogen oxides ("NOx") by 3.65 tons from High Pressure Flare, emissions point number ("EPN") P-7.
2. Failed to maintain the rolling 12 month period cap emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-02629, GTC and SC 8, and NSR Permit 41945, SC 1, as documented during an investigation conducted on October 23 through November 5, 2007. Specifically, in December 2006, CO emissions exceeded the rolling 12 month cap by 8.3 tons and NOx by 1.14 tons from Low Pressure Flare, EPN P-6.
3. Failed to properly install a sample port to ensure a representative sample of the water returning to the cooling tower, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and

122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-02629, GTC and SC 8, and NSR Permit 41945, SC 14A, as documented during an investigation conducted on October 23 through November 5, 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 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: Sabina Petrochemicals LLC, Docket No. 2008-0095-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section 1, Paragraph 6 above, Seven Thousand Seven Hundred Sixty Dollars (\$7,760) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, design and implement procedures to ensure the 12 month rolling emissions cap is maintained; and
 - b. Within 45 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. 3.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:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. 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.

9. 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

7/23/2008
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

4/18/08
Date

Christopher Witte
Name (Printed or typed)
Authorized Representative of
Sabina Petrochemicals LLC

General Mgr. - Pat Arthur
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.

Attachment A
Docket Number: 2008-0095-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Sabina Petrochemicals LLC

Payable Penalty Amount: Fifteen Thousand Five Hundred Twenty Dollars (\$15,520)

SEP Amount: Seven Thousand Seven Hundred Sixty Dollars (\$7,760)

Type of SEP: Pre-approved

Third-Party Recipient: Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles

Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

Sabina Petrochemicals LLC
Agreed Order – Attachment A

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Judge Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

