

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-1021-AIR-E **TCEQ ID:** RN100216977 **CASE NO.:** 36100  
**RESPONDENT NAME:** Sabina Petrochemicals LLC

<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> BASF FINA NAFTA Region Olefins Complex, 2700 Highway 366, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemicals 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 four additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1147-AIR-E, 2008-0575-AIR-E, 2006-1578-AIR-E, and 2005-1862-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 December 8, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Christopher P. Witte, General Manager-Port Arthur Site, Sabina Petrochemicals LLC, P.O. Box 2506, Port Arthur, Texas 77643  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 15, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 12, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, 619 pounds ("lbs") of volatile organic compounds ("VOCs"), 236 lbs of carbon monoxide ("CO"), and 46 lbs of nitrogen oxides ("NOx") were released from the High Pressure Flare, Emission Point Number ("EPN") P-7, during an avoidable emissions event that began on April 16, 2008 and lasted two hours. The High Pressure Flare, EPN P-7 is permitted to emit 58.85 pounds per hour ("lbs/hr") of VOCs, 60.04 lbs/hr of CO and 11.78lbs/hr of NOx. Since this emissions event was avoidable the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O-02629, General Terms and Conditions and Special Condition No. 8, and Air New Source Review ("NSR") Permit No. 41945, Special Condition 1].</p>	<p><b>Total Assessed:</b> \$5,150</p> <p><b>Total Deferred:</b> \$1,030  <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> \$4,120</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, develop and begin implementing measures designed to improve operations and/or maintenance practices to prevent the reoccurrence of emission events similar to the emission event that occurred on April 16, 2008; 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>

Additional ID No(s): JE0843F



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	16-Jun-2008	Screening	23-Jun-2008	EPA Due
	PCW	25-Jun-2008			

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36100	No. of Violations	1
Docket No.	2008-1021-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samuel Short
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	<b>\$2,500</b>
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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.

<b>Compliance History</b>	106.0% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	<b>\$2,650</b>
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Notes: Enhancement recommended for having eight NOVs for the same or similar violations, four NOVs for non-similar violations, three Agreed Orders with denial, and two Notices of Intent within the last five years.

<b>Culpability</b>	No	0.0% Enhancement	<i>Subtotal 4</i>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<i>Subtotal 5</i>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<i>Subtotal 6</i>	<b>\$0</b>
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Total EB Amounts: \$37  
 Approx. Cost of Compliance: \$1,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	<b>\$5,150</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<i>Adjustment</i>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	<b>\$5,150</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	<b>\$5,150</b>
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<b>DEFERRAL</b>	20.0% Reduction	<i>Adjustment</i>	<b>-\$1,030</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$4,120</b>
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Screening Date 23-Jun-2008

Docket No. 2008-1021-AIR-E

PCW

Respondent Sabina Petrochemicals LLC

Policy Revision 2 (September 2002)

Case ID No. 36100

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Samuel Short

## Compliance History Worksheet

## &gt;&gt; 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)	8	40%
	Other written NOVs	4	8%
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) 106%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement recommended for having eight NOVs for the same or similar violations, four NOVs for non-similar violations, three Agreed Orders with denial, and two Notices of Intent within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 106%

<b>Screening Date</b> 23-Jun-2008	<b>Docket No.</b> 2008-1021-AIR-E	<b>PCW</b>												
<b>Respondent</b> Sabina Petrochemicals LLC		<small>Policy Revision 2 (September 2002)</small>												
<b>Case ID No.</b> 36100		<small>PCW Revision June 12, 2008</small>												
<b>Reg. Ent. Reference No.</b> RN100216977														
<b>Media [Statute]</b> Air														
<b>Enf. Coordinator</b> Samuel Short														
<b>Violation Number</b> <input type="text" value="1"/>														
<b>Rule Cite(s)</b>	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") No. O-02629, General Terms and Conditions and Special Condition No. 8, and Air New Source Review ("NSR") Permit No. 41945, Special Condition 1													
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 619 pounds ("lbs") of volatile organic compounds ("VOCs"), 236 lbs of carbon monoxide ("CO"), and 46 lbs of nitrogen oxides ("NOx") were released from the High Pressure Flare, Emission Point Number ("EPN") P-7, during an avoidable emissions event that began on April 16, 2008 and lasted two hours. The High Pressure Flare, EPN P-7 is permitted to emit 58.85 pounds per hour ("lbs/hr") of VOCs, 60.04 lbs/hr of CO and 11.78 lbs/hr of NOx. Since this emissions event was avoidable the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.													
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
OR	<b>Harm</b>													
	Release    Major    Moderate    Minor													
Actual	<input type="text"/>	<input checked="" type="checkbox"/>												
Potential	<input type="text"/>	<input type="text"/>												
	<b>Percent</b>	<input type="text" value="25%"/>												
<b>&gt;&gt; Programmatic Matrix</b>														
	<b>Falsification</b> Major    Moderate    Minor													
	<input type="text"/>	<input type="text"/>												
	<b>Percent</b>	<input type="text" value="0%"/>												
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.													
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>												
		<input type="text" value="\$2,500"/>												
<b>Violation Events</b>														
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="1"/> <b>Number of violation days</b>												
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	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"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>
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"/>													
	One quarterly event is recommended.													
<b>Good Faith Efforts to Comply</b>														
	<b>0.0% Reduction</b>	<input type="text" value="\$0"/>												
	<small>Before NOV    NOV to EDPRP/Settlement</small>													
Extraordinary	<input type="text"/>	<input type="text"/>												
Ordinary	<input type="text"/>	<input type="text"/>												
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>												
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.													
	<b>Violation Subtotal</b>	<input type="text" value="\$2,500"/>												
<b>Economic Benefit (EB) for this violation</b>														
	<b>Estimated EB Amount</b>	<input type="text" value="\$37"/>												
	<b>Statutory Limit Test</b>													
	<b>Violation Final Penalty Total</b>	<input type="text" value="\$5,150"/>												
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$5,150"/>												

## Economic Benefit Worksheet

**Respondent** Sabina Petrochemicals LLC  
**Case ID No.** 36100  
**Reg. Ent. Reference No.** RN100216977  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Apr-2008	8-Jan-2009	0.73	\$37	n/a	\$37

Notes for DELAYED costs

The estimated cost to develop and implement procedures to prevent the breakthrough of Tert Butyl Alcohol and water in the feed system pretreaters to Reactor 6101B. The date required is the date of the emissions event and the final date is the projected date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$37

## Compliance History

Customer/Respondent/Owner-Operator: CN601706583 SABINA PETROCHEMICALS LLC Classification: AVERAGE Rating: 8.78  
 Regulated Entity: RN100216977 BASF FINA NAFTA REGION OLEFINS COMPLEX Classification: AVERAGE Site Rating: 8.78

ID Number(s):	AIR OPERATING PERMITS	PERMIT	1877
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2551
	AIR OPERATING PERMITS	PERMIT	2965
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2629
	AIR OPERATING PERMITS	PERMIT	2965
	AIR OPERATING PERMITS	PERMIT	3015
	WASTEWATER	PERMIT	WQ0004135000
	WASTEWATER	PERMIT	TPDES0119369
	WASTEWATER	PERMIT	TX0119369
	AIR NEW SOURCE PERMITS	AFS NUM	4824500182
	AIR NEW SOURCE PERMITS	REGISTRATION	81534
	AIR NEW SOURCE PERMITS	PERMIT	36644
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX903
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0843F
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX950
	AIR NEW SOURCE PERMITS	PERMIT	41945
	AIR NEW SOURCE PERMITS	PERMIT	N007M2
	AIR NEW SOURCE PERMITS	PERMIT	N007
	AIR NEW SOURCE PERMITS	PERMIT	N018
	AIR NEW SOURCE PERMITS	PERMIT	N007M1
	AIR NEW SOURCE PERMITS	PERMIT	P903M1
	AIR NEW SOURCE PERMITS	REGISTRATION	76480
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M1
	AIR NEW SOURCE PERMITS	REGISTRATION	79052
	AIR NEW SOURCE PERMITS	REGISTRATION	81533
	AIR NEW SOURCE PERMITS	REGISTRATION	82105
	AIR NEW SOURCE PERMITS	REGISTRATION	81912
	AIR NEW SOURCE PERMITS	REGISTRATION	83457
	AIR NEW SOURCE PERMITS	REGISTRATION	83454
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M3
	AIR NEW SOURCE PERMITS	REGISTRATION	84227
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000039909
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	86596

Location: 2700 HWY 366, PORT ARTHUR, TX, 77643 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 23, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 23, 2003 to June 23, 2008

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

Name: Samuel Short Phone: (512) 239-5363

### 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: 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.

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 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). 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

Effective Date: 06/05/2008

ADMINORDER 2007-1481-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

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

Description: Failure to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, Emission Point Number CT (EPN CT), from September 27 to October 10, 2006 and from October 12, 2006 through November 15, 2006.

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

Description: Failed to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006. Specifically, the permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions. A8c2Aii

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	07/03/2003	(43208)
2	07/16/2003	(112861)
3	07/22/2003	(327658)
4	08/22/2003	(327659)
5	09/05/2003	(119152)
6	09/23/2003	(327660)
7	10/17/2003	(327661)
8	10/30/2003	(253638)
9	11/06/2003	(254209)
10	11/20/2003	(327662)
11	12/11/2003	(144479)
12	12/17/2003	(248013)
13	12/17/2003	(254861)
14	12/29/2003	(257254)
15	12/29/2003	(327664)
16	01/14/2004	(259423)
17	01/16/2004	(327665)
18	01/16/2004	(259390)
19	02/18/2004	(260861)
20	02/23/2004	(327651)
21	02/26/2004	(261623)
22	02/27/2004	(261562)

23	02/27/2004	(264339)
24	03/22/2004	(327652)
25	03/24/2004	(262485)
26	04/22/2004	(367172)
27	05/12/2004	(270524)
28	05/13/2004	(267724)
29	05/18/2004	(367173)
30	05/21/2004	(267205)
31	05/21/2004	(266870)
32	05/21/2004	(266755)
33	06/01/2004	(267732)
34	06/17/2004	(327657)
35	07/19/2004	(367174)
36	08/10/2004	(278952)
37	08/10/2004	(278542)
38	08/10/2004	(278948)
39	08/10/2004	(278949)
40	08/10/2004	(278950)
41	08/24/2004	(367175)
42	09/21/2004	(367176)
43	09/21/2004	(367178)
44	10/22/2004	(367177)
45	11/22/2004	(278953)
46	12/22/2004	(390150)
47	01/21/2005	(390151)
48	02/08/2005	(348963)
49	02/10/2005	(344242)
50	02/10/2005	(343973)
51	02/10/2005	(344219)
52	02/10/2005	(343769)
53	02/10/2005	(343578)
54	02/11/2005	(278954)
55	02/11/2005	(278958)
56	02/11/2005	(341798)
57	02/11/2005	(344252)
58	02/18/2005	(348961)
59	02/18/2005	(348919)
60	02/23/2005	(427633)
61	03/03/2005	(343703)
62	03/03/2005	(262072)
63	03/07/2005	(338015)
64	03/07/2005	(344251)
65	03/22/2005	(390149)
66	03/30/2005	(344244)
67	03/30/2005	(343817)
68	03/30/2005	(344248)
69	03/30/2005	(344253)
70	04/01/2005	(344250)
71	04/18/2005	(427634)
72	05/10/2005	(278956)
73	05/10/2005	(427635)
74	06/03/2005	(378687)
75	06/20/2005	(427636)
76	06/30/2005	(392984)
77	07/05/2005	(380492)
78	07/05/2005	(398319)
79	07/06/2005	(398263)
80	07/07/2005	(338249)
81	07/27/2005	(393566)
82	08/10/2005	(399867)
83	08/12/2005	(402436)
84	08/12/2005	(379097)
85	08/23/2005	(447657)
86	08/24/2005	(287879)
87	08/31/2005	(285271)
88	09/01/2005	(447656)
89	09/19/2005	(447658)
90	10/21/2005	(492719)
91	11/10/2005	(435935)
92	11/28/2005	(492720)
93	12/09/2005	(436076)
94	12/16/2005	(437551)
95	12/21/2005	(492721)
96	01/24/2006	(492722)
97	01/27/2006	(450346)

98	02/22/2006	(492717)
99	02/27/2006	(453972)
100	02/27/2006	(439417)
101	03/22/2006	(492718)
102	03/30/2006	(461163)
103	03/30/2006	(461169)
104	03/30/2006	(460864)
105	04/19/2006	(506384)
106	05/12/2006	(460115)
107	05/16/2006	(465406)
108	05/22/2006	(465286)
109	05/23/2006	(461740)
110	05/23/2006	(506385)
111	06/08/2006	(465332)
112	06/08/2006	(337298)
113	06/19/2006	(506386)
114	07/21/2006	(528616)
115	08/21/2006	(528617)
116	08/22/2006	(461611)
117	08/22/2006	(487941)
118	08/29/2006	(510272)
119	09/18/2006	(508808)
120	09/18/2006	(489929)
121	09/18/2006	(489930)
122	09/26/2006	(512738)
123	09/26/2006	(528618)
124	09/26/2006	(528619)
125	10/10/2006	(509369)
126	11/03/2006	(512514)
127	11/21/2006	(551921)
128	11/21/2006	(551922)
129	12/15/2006	(551923)
130	12/20/2006	(398261)
131	12/20/2006	(533392)
132	01/22/2007	(589231)
133	01/31/2007	(537305)
134	02/08/2007	(537506)
135	02/09/2007	(539274)
136	03/19/2007	(589227)
137	03/19/2007	(589228)
138	05/14/2007	(589229)
139	05/21/2007	(559801)
140	05/21/2007	(559168)
141	06/21/2007	(589230)
142	07/23/2007	(605777)
143	07/31/2007	(538827)
144	08/16/2007	(557840)
145	08/20/2007	(519464)
146	08/23/2007	(605778)
147	08/23/2007	(572334)
148	08/24/2007	(567435)
149	08/28/2007	(571955)
150	09/14/2007	(568320)
151	09/14/2007	(568498)
152	09/24/2007	(605776)
153	09/24/2007	(605779)
154	09/24/2007	(605780)
155	10/05/2007	(571498)
156	10/05/2007	(571538)
157	10/11/2007	(572093)
158	10/12/2007	(572823)
159	10/12/2007	(572320)
160	10/12/2007	(572746)
161	10/12/2007	(572490)
162	10/12/2007	(572737)
163	10/30/2007	(515193)
164	11/12/2007	(598216)
165	11/12/2007	(598249)
166	11/16/2007	(600519)
167	11/29/2007	(601118)
168	12/17/2007	(609075)
169	12/20/2007	(631699)
170	01/03/2008	(600699)
171	01/18/2008	(631700)
172	02/12/2008	(612301)

173 02/27/2008 (615308)  
 174 02/28/2008 (636328)  
 175 03/20/2008 (677383)  
 176 03/26/2008 (636406)  
 177 03/26/2008 (618828)  
 178 03/31/2008 (639376)  
 179 04/03/2008 (618810)  
 180 04/03/2008 (637173)  
 181 04/03/2008 (618788)  
 182 04/18/2008 (677384)  
 183 05/07/2008 (639841)  
 184 05/23/2008 (646260)  
 185 06/09/2008 (669807)  
 186 06/10/2008 (646565)  
 187 06/10/2008 (641519)  
 188 06/12/2008 (654391)  
 189 06/14/2008 (682556)  
 190 06/18/2008 (680217)  
 191 06/18/2008 (680261)

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.

Date: 02/27/2008 (617637)

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 36644/PSD-TX-903, Special Condition 21  
 OP O-02551

Description: Failure to maintain compliance with the one hour firing rate permit limitation of 0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for Heaters, H-0200 through H-0700.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 36644/PSD-TX-903, Special Condition 21  
 OP O-02551

Description: Failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBtu for Carbon Monoxide (CO), for Heaters, H-0400, H-0700, and H-0800.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 36644/PSD-TX-903, Special Condition 14C  
 OP O-02551

Description: Failure to maintain the gas net heating value above 900 Btu/scf to the Ground Flare, Emission Point Number: (EPN) N-15.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 36644/PSD-TX-903, Special Condition 9  
 OP O-02551

Description: Failure to prevent 59 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1, F-3, and F-4 areas.

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 115.355(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 36644/PSD-TX-903, Special Condition 9F  
 OP O-02551

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

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 36644/PSD-TX-903, Special Condition 28  
 OP O-02551

Description: Failure to comply with a permit condition that requires welded heat exchanger construction for exchangers used in the cooling water cycle.

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)  
 Rqmt Prov: PERMIT 36644/PSD-TX-903, Special Condition 9F  
 OP O-02551  
 Description: Failure to monitor components when conducting fugitive emission monitoring.

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 THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT 36644/PSD-TX-903, Special Condition 1  
 OP O-02551  
 Description: Failure to maintain compliance with pound per hour permit limits for Sulfur Dioxide (SO2) for eight Heaters, H-0100 through H-0800.

Date: 03/27/2008 (636406)

Self Report? NO Classification: Moderate  
 Citation: 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: ORDER 2003-1317-AIR-E  
 Description: Failure to submit the 2007 third quarter Project Progress Report within 15 days of the end of the quarter.

Self Report? NO Classification: Moderate  
 Citation: 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: ORDER 2003-1317-AIR-E  
 Description: Failure to submit the 2007 third quarter Stipulated Penalty Report within 30 days of the end of the quarter.

Date: 06/10/2008 (646565)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP O-01877  
 Description: Failure to submit a semiannual deviation report for the period of March 1, 2007, through August 31, 2007, within 30 days of the end of the reporting period.

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-01877  
 Description: Failure to report all instances of deviations. The deviation report for the period of March 1, 2007, to August 31, 2007, was submitted on October 3, 2007, 3 days late. The late submittal of the deviation report was not listed as a deviation in the September 1, 2007, to February 29, 2008, deviation report.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(2)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP O-01877  
 Description: Failure to accurately certify compliance in the Annual Compliance Certification (ACC).

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 THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT 36644/PSD-TX-903M1, 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(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT 36644/PSD-TX-903M1, N-007  
 OP O-01877  
 Description: Failure to maintain an emission rate below the allowable limit for Oxides of Nitrogen (NOx)

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 THSC Chapter 382 382.085(b)  
Rqmt Prov: PERMIT 36644/PSD-TX-903M1, 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 and 50 ppm CO 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 THSC Chapter 382 382.085(b)  
Rqmt Prov: PERMIT 36644/PSD-TX-903M1, 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 2.

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

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-1021-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 petrochemicals manufacturing plant at 2700 Highway 366 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 June 17, 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 Five Thousand One Hundred Fifty Dollars (\$5,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand One Hundred Twenty Dollars (\$4,120) of the administrative penalty and One Thousand Thirty Dollars (\$1,030) is deferred contingent upon the



Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, 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") No. O-02629, General Terms and Conditions and Special Condition No. 8, and Air New Source Review ("NSR") Permit No. 41945, Special Condition 1, as documented during a record review conducted on May 15, 2008. Specifically, 619 pounds ("lbs") of volatile organic compounds ("VOCs"), 236 lbs of carbon monoxide ("CO"), and 46 lbs of nitrogen oxides ("NOx") were released from the High Pressure Flare, Emission Point Number ("EPN") P-7, during an avoidable emissions event that began on April 16, 2008 and lasted two hours. The High Pressure Flare, EPN P-7 is permitted to emit 58.85 pounds per hour ("lbs/hr") of VOCs, 60.04 lbs/hr of CO and 11.78 lbs/hr of NOx. Since this emissions event was 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: Sabina Petrochemicals LLC, Docket No. 2008-1021-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. 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, develop and begin implementing measures designed to improve operations and/or maintenance practices to prevent the reoccurrence of emission events similar to the emission event that occurred on April 16, 2008; 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. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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



3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*J. Orin Srdin*  
For the Executive Director

11/14/2008  
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.

*Christopher P. With*  
Signature

9/23/08  
Date

Christopher P. With  
Name (Printed or typed)  
Authorized Representative of  
Sabina Petrochemicals LLC

General Mgr - Port Arthur Site  
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.

