

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-1147-AIR-E **TCEQ ID:** RN100216977 **CASE NO.:** 36206
RESPONDENT NAME: BASF Fina Petrochemicals Limited Partnership

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, 2700 Highway 366, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical manufacturing 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 three additional pending enforcement actions regarding this facility location, Docket Nos. 2005-1862-AIR-E, 2008-1021-AIR-E, and 2006-1578-AIR-E.</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 January 5, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Christopher P. Witte, General Manager-Port Arthur Operations, BASF Fina Petrochemicals Limited Partnership, 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 7, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 10, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to maintain an emission rate below the allowable limit for nitrogen oxides ("NOx") at the Auxiliary Boiler (B-7240) Emission Point No. N-14. Specifically, the Respondent exceeded the permitted NOx emission limit of 13.6 pounds per hour ("lbs/hr") [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877, General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain an emission rate below the allowable limit for NOx at the Co-generation Unit 1 (GTG-1) Emission Point No. N-20A. Specifically, the Respondent exceeded the permitted NOx emission limit of 15.3 lbs/hr [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877, General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$36,050</p> <p>Total Deferred: \$7,210 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$28,840</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>The Executive Director recognizes that the Respondent applied for an amendment to New Source Review Permit No. 36644/PSD-TX-903M1 to address the nitrogen oxides emissions from the Auxiliary Boiler and Co-generation Unit 1 on November 12, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for New Source Review Permit No. 36644/PSD-TX-903M1 within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>b. Within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification that the amendment to the permit addressed in Ordering Provision a. has been issued. If an amendment has not been issued by that date, or within the period of any extension granted by TCEQ, the Plant will remain subject to the existing limits in the permit, unless and until such limits are adjusted by other permit action, and the Respondent shall certify that it has taken measures to operate Auxiliary Boiler (B-7240) Emission Point No. N-14 and Co-generation Unit 1 (GTG-1) Emission Point No. N-20A to maintain emissions within those existing limits. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	17-Jun-2008	Screening	7-Jul-2008	EPA Due	3-Jan-2009
	PCW	9-Jul-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	BASF Fina Petrochemicals Limited Partnership		
Reg. Ent. Ref. No.	RN100216977		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36206	No. of Violations	2
Docket No.	2008-1147-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$17,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 106.0% Enhancement Subtotals 2, 3, & 7 \$18,550

Notes: Penalty enhancement due to eight previous similar NOVs, four previous nonsimilar NOVs, and three 1660-style orders. Penalty reduction due to two Notices of Intent.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$251
 Approx. Cost of Compliance \$3,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$36,050

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$36,050

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$36,050

DEFERRAL 20.0% Reduction Adjustment -\$7,210

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 \$28,840

Screening Date 7-Jul-2008

Docket No. 2008-1147-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 36206

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	8	40%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 106%

>> **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 eight previous similar NOVs, four previous nonsimilar NOVs, and three 1660-style orders. Penalty reduction due to two Notices of Intent.

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

Screening Date 7-Jul-2008	Docket No. 2008-1147-AIR-E	PCW	
Respondent BASF Fina Petrochemicals Limited Partnership	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36206	<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN100216977			
Media [Statute] Air			
Enf. Coordinator James Nolan			
Violation Number 1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX903M1 Special Condition 1, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to maintain an emission rate below the allowable limit for nitrogen oxides ("NOx") at the Auxiliary Boiler (B-7240) Emission Point No. N-14 as documented in a record review conducted April 7, 2008. Specifically, the Respondent exceeded the permitted NOx emission limit of 13.6 pounds per hour ("lbs/hr") as shown in the attached table.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/> <input type="text"/> <input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>	
>> 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 as a result of the violation.		
Adjustment		\$7,500	
		\$2,500	
Violation Events			
	Number of Violation Events	<input type="text" value="3"/>	Number of violation days
		<input type="text" value="267"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$7,500"/>
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Three quarterly events are recommended from the date of the first permit exceedance (4/11/2007) to the date of the last exceedance (1/2/2008).			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	\$0
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
	Extraordinary	<input type="text"/> <input type="text"/>	
	Ordinary	<input type="text"/> <input type="text"/>	
	N/A	<input checked="" type="checkbox"/> (mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$7,500	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$251"/>	Violation Final Penalty Total <input type="text" value="\$15,450"/>
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$15,450"/>	

Economic Benefit Worksheet

Respondent BASF Fina Petrochemicals Limited Partnership
Case ID No. 36206
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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No commas or \$

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	\$3,000	11-Apr-2007	11-Dec-2008	1.67	\$251	n/a	\$251
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to amend permitted NOx emission limits. Date required is the first date of permit exceedance, final date is the estimated date the permit amendment is expected to be issued.

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

\$3,000

TOTAL

\$251

Screening Date 7-Jul-2008	Docket No. 2008-1147-AIR-E	PCW		
Respondent BASF Fina Petrochemicals Limited Partnership	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36206	<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN100216977				
Media [Statute] Air				
Enf. Coordinator James Nolan				
Violation Number 2				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX903M1 Special Condition 1, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain an emission rate below the allowable limit for NOx at the Co-generation Unit 1 (GTG-1) Emission Point No. N-20A as documented in a record review conducted April 7, 2008. Specifically, the Respondent exceeded the permitted NOx emission limit of 15.3 lbs/hr as shown in the attached table.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	25%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	0%	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events		4	Number of violation days	
		333		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Four quarterly events are recommended from the date of the first permit exceedance (3/1/2007) to the date of the last permit exceedance (1/28/2008).			\$10,000	
Good Faith Efforts to Comply				
		0.0% Reduction	\$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$10,000		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$0	Violation Final Penalty Total	\$20,600	
		This violation Final Assessed Penalty (adjusted for limits)	\$20,600	

Economic Benefit Worksheet

Respondent BASF Fina Petrochemicals Limited Partnership
Case ID No. 36206
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
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No commas or \$

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit calculated in Violation 1.

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

\$0

TOTAL

\$0

**BASF Fina Petrochemicals Limited Partnership
RN100216977**

**Docket No. 2008-1147-AIR-E
Case No. 36206**

Emissions Table for Violation 1

Dates of Permit Exceedance		Nitrogen Oxides Permitted Limit (lbs/hr)	Nitrogen Oxides Emission Range (lbs/hr)		Periods of Exceedance (hours)
Beginning	Ending		Minimum	Maximum	
4/11/2007	4/11/2007	13.6	13.78	14.58	4
5/29/2007	5/30/2007	13.6	14.54	18.59	25
7/4/2007	7/5/2007	13.6	13.71	14.82	9
11/15/2007	11/16/2007	13.6	13.61	16.64	16
12/26/2007	12/26/2007	13.6	14.24	16.01	7
1/2/2008	1/2/2008	13.6	14.44	14.44	1

Emissions Table for Violation 2

Dates of Permit Exceedance		Nitrogen Oxides Permitted Limit (lbs/hr)	Nitrogen Oxides Emission Range (lbs/hr)		Periods of Exceedance (hours)
Beginning	Ending		Minimum	Maximum	
3/1/2007	3/1/2007	15.3	16.37	16.37	1
4/4/2007	4/4/2007	15.3	16.86	16.86	1
4/6/2007	4/6/2007	15.3	15.43	15.85	2
5/29/2007	5/30/2007	15.3	15.56	15.95	3
7/5/2007	7/6/2007	15.3	15.41	16.01	5
7/19/2007	7/19/2007	15.3	17.38	18.63	3
11/23/2007	11/24/2007	15.3	15.5	21.11	16
12/24/2007	12/24/2007	15.3	15.66	19.17	4
1/26/2008	1/26/2008	15.3	17.81	17.81	1
1/28/2008	1/28/2008	15.3	15.34	15.34	1

Compliance History

Customer/Respondent/Owner-Operator: CN600128912 BASF FINA Petrochemicals Limited Partnership 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: July 07, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 07, 2003 to July 07, 2008

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

Name: James Nolan Phone: (512) 239-6634

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.

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

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. A8c2Ai

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	07/16/2003	(112861)
2	07/22/2003	(327658)
3	08/22/2003	(327659)
4	09/05/2003	(119152)
5	09/23/2003	(327660)
6	10/17/2003	(327661)
7	10/30/2003	(253638)
8	11/06/2003	(254209)
9	11/20/2003	(327662)
10	12/11/2003	(144479)
11	12/17/2003	(248013)
12	12/17/2003	(254861)
13	12/29/2003	(257254)
14	12/29/2003	(327664)
15	01/14/2004	(259423)
16	01/16/2004	(327665)
17	01/16/2004	(259390)
18	02/18/2004	(260861)
19	02/23/2004	(327651)
20	02/26/2004	(261623)
21	02/27/2004	(261562)
22	02/27/2004	(264339)
23	03/22/2004	(327652)
24	03/24/2004	(262485)
25	04/22/2004	(367172)
26	05/12/2004	(270524)
27	05/13/2004	(267724)
28	05/18/2004	(367173)
29	05/21/2004	(267205)
30	05/21/2004	(266870)
31	05/21/2004	(266755)
32	06/01/2004	(267732)
33	06/17/2004	(327657)
34	07/19/2004	(367174)
35	08/10/2004	(278952)
36	08/10/2004	(278542)
37	08/10/2004	(278948)
38	08/10/2004	(278949)
39	08/10/2004	(278950)
40	08/24/2004	(367175)
41	09/21/2004	(367176)
42	09/21/2004	(367178)
43	10/22/2004	(367177)
44	11/22/2004	(278953)
45	12/22/2004	(390150)
46	01/21/2005	(390151)
47	02/08/2005	(348963)
48	02/10/2005	(344242)
49	02/10/2005	(343973)
50	02/10/2005	(344219)
51	02/10/2005	(343769)
52	02/10/2005	(343578)
53	02/11/2005	(278954)
54	02/11/2005	(278958)
55	02/11/2005	(341798)
56	02/11/2005	(344252)
57	02/18/2005	(348961)
58	02/18/2005	(348919)
59	02/23/2005	(427633)
60	03/03/2005	(343703)
61	03/03/2005	(262072)
62	03/07/2005	(338015)
63	03/07/2005	(344251)
64	03/22/2005	(390149)
65	03/30/2005	(344244)
66	03/30/2005	(343817)
67	03/30/2005	(344248)
68	03/30/2005	(344253)

69	04/01/2005	(344250)
70	04/18/2005	(427634)
71	05/10/2005	(278956)
72	05/10/2005	(427635)
73	06/03/2005	(378687)
74	06/20/2005	(427636)
75	06/30/2005	(392984)
76	07/05/2005	(380492)
77	07/05/2005	(398319)
78	07/06/2005	(398263)
79	07/07/2005	(338249)
80	07/27/2005	(393566)
81	08/10/2005	(399867)
82	08/12/2005	(402436)
83	08/12/2005	(379097)
84	08/23/2005	(447657)
85	08/24/2005	(287879)
86	08/31/2005	(285271)
87	09/01/2005	(447656)
88	09/19/2005	(447658)
89	10/21/2005	(492719)
90	11/10/2005	(435935)
91	11/28/2005	(492720)
92	12/09/2005	(436076)
93	12/16/2005	(437551)
94	12/21/2005	(492721)
95	01/24/2006	(492722)
96	01/27/2006	(450346)
97	02/22/2006	(492717)
98	02/27/2006	(453972)
99	02/27/2006	(439417)
100	03/22/2006	(492718)
101	03/30/2006	(461163)
102	03/30/2006	(461169)
103	03/30/2006	(460864)
104	04/19/2006	(506384)
105	05/12/2006	(460115)
106	05/16/2006	(465406)
107	05/22/2006	(465286)
108	05/23/2006	(461740)
109	05/23/2006	(506385)
110	06/08/2006	(465332)
111	06/08/2006	(337298)
112	06/19/2006	(506386)
113	07/21/2006	(528616)
114	08/21/2006	(528617)
115	08/22/2006	(461611)
116	08/22/2006	(487941)
117	08/29/2006	(510272)
118	09/18/2006	(508808)
119	09/18/2006	(489929)
120	09/18/2006	(489930)
121	09/26/2006	(512738)
122	09/26/2006	(528618)
123	09/26/2006	(528619)
124	10/10/2006	(509369)
125	11/03/2006	(512514)
126	11/21/2006	(551921)
127	11/21/2006	(551922)
128	12/15/2006	(551923)
129	12/20/2006	(398261)
130	12/20/2006	(533392)
131	01/22/2007	(589231)
132	01/31/2007	(537305)
133	02/08/2007	(537506)
134	02/09/2007	(539274)
135	03/19/2007	(589227)
136	03/19/2007	(589228)
137	05/14/2007	(589229)
138	05/21/2007	(559801)
139	05/21/2007	(559168)

140 06/21/2007 (589230)
 141 07/23/2007 (605777)
 142 07/31/2007 (538827)
 143 08/16/2007 (557840)
 144 08/20/2007 (519464)
 145 08/23/2007 (605778)
 146 08/23/2007 (572334)
 147 08/24/2007 (567435)
 148 08/28/2007 (571955)
 149 09/14/2007 (568320)
 150 09/14/2007 (568498)
 151 09/24/2007 (605776)
 152 09/24/2007 (605779)
 153 09/24/2007 (605780)
 154 10/05/2007 (571498)
 155 10/05/2007 (571538)
 156 10/11/2007 (572093)
 157 10/12/2007 (572823)
 158 10/12/2007 (572320)
 159 10/12/2007 (572746)
 160 10/12/2007 (572490)
 161 10/12/2007 (572737)
 162 10/30/2007 (515193)
 163 11/12/2007 (598216)
 164 11/12/2007 (598249)
 165 11/16/2007 (600519)
 166 11/29/2007 (601118)
 167 12/17/2007 (609075)
 168 12/20/2007 (631699)
 169 01/03/2008 (600699)
 170 01/18/2008 (631700)
 171 02/12/2008 (612301)
 172 02/27/2008 (615308)
 173 02/28/2008 (636328)
 174 03/20/2008 (677383)
 175 03/26/2008 (636406)
 176 03/26/2008 (618828)
 177 03/31/2008 (639376)
 178 04/03/2008 (618810)
 179 04/03/2008 (637173)
 180 04/03/2008 (618788)
 181 04/18/2008 (677384)
 182 05/07/2008 (639841)
 183 05/23/2008 (646260)
 184 06/09/2008 (669807)
 185 06/10/2008 (646565)
 186 06/10/2008 (641519)
 187 06/12/2008 (654391)
 188 06/14/2008 (682556)
 189 06/18/2008 (680217)
 190 06/18/2008 (680261)
 191 06/27/2008 (684500)

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, PSD-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 NO_x 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 (NO_x) 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
BASF FINA PETROCHEMICALS
LIMITED PARTNERSHIP
RN100216977

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1147-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 BASF Fina Petrochemicals Limited Partnership ("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 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 15, 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 Thirty-Six Thousand Fifty Dollars (\$36,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Eight Thousand Eight Hundred Forty Dollars (\$28,840) of the administrative penalty and Seven Thousand Two Hundred Ten Dollars (\$7,210) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent applied for an amendment to New Source Review Permit No. 36644/PSD-TX-903M1 to address the nitrogen oxides emissions from the Auxiliary Boiler and Co-generation Unit 1 on November 12, 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 an emission rate below the allowable limit for nitrogen oxides ("NOx") at the Auxiliary Boiler (B-7240) Emission Point No. N-14, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented in a record review conducted April 7, 2008. Specifically, the Respondent exceeded the permitted NOx emission limit of 13.6 pounds per hour ("lbs/hr") as follows:

Dates of Permit Exceedance		Nitrogen Oxides Permitted Limit (lbs/hr)	Nitrogen Oxides Emission Range (lbs/hr)		Periods of Exceedance (hours)
Beginning	Ending		Minimum	Maximum	
4/11/2007	4/11/2007	13.6	13.78	14.58	4
5/29/2007	5/30/2007	13.6	14.54	18.59	25
7/4/2007	7/5/2007	13.6	13.71	14.82	9
11/15/2007	11/16/2007	13.6	13.61	16.64	16
12/26/2007	12/26/2007	13.6	14.24	16.01	7
1/2/2008	1/2/2008	13.6	14.44	14.44	1

2. Failed to maintain an emission rate below the allowable limit for NO_x at the Co-generation Unit 1 (GTG-1) Emission Point No. N-20A, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented in a record review conducted April 7, 2008. Specifically, the Respondent exceeded the permitted NO_x emission limit of 15.3 lbs/hr as follows:

Dates of Permit Exceedance		Nitrogen Oxides Permitted Limit (lbs/hr)	Nitrogen Oxides Emission Range (lbs/hr)		Periods of Exceedance (hours)
Beginning	Ending		Minimum	Maximum	
3/1/2007	3/1/2007	15.3	16.37	16.37	1
4/4/2007	4/4/2007	15.3	16.86	16.86	1
4/6/2007	4/6/2007	15.3	15.43	15.85	2
5/29/2007	5/30/2007	15.3	15.56	15.95	3
7/5/2007	7/6/2007	15.3	15.41	16.01	5
7/19/2007	7/19/2007	15.3	17.38	18.63	3
11/23/2007	11/24/2007	15.3	15.5	21.11	16
12/24/2007	12/24/2007	15.3	15.66	19.17	4
1/26/2008	1/26/2008	15.3	17.81	17.81	1
1/28/2008	1/28/2008	15.3	15.34	15.34	1

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: BASF Fina Petrochemicals Limited Partnership, Docket No. 2008-1147-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. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for New Source Review Permit No. 36644/PSD-TX-903M1 within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - b. Within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification that the amendment to the permit addressed in Ordering Provision 2.a. has been issued. If an amendment has not been issued by that date, or within the period of any extension granted by TCEQ, the Plant will remain subject to the existing limits in the permit, unless and until such limits are adjusted by other permit action, and Respondent shall certify that it has taken measures to operate Auxiliary Boiler (B-7240) Emission Point No. N-14 and Co-generation Unit 1 (GTG-1) Emission Point No. N-20A to maintain emissions within those existing limits. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that 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 77703-1830

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

John Srdelic
For the Executive Director

12/15/2008
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]
Signature

October 13th, 2008
Date

Christopher P. White
Name (Printed or typed)
Authorized Representative of
BASF Fina Petrochemicals Limited Partnership

General Mgr - Port Arthur Operations
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.

