

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1382-AIR-E TCEQ ID: RN102457520 CASE NO.: 36436
RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

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: Total Petro Chemicals USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2006-0561-AIR-E, 2007-0172-AIR-E, 2008-0413-AIR-E, and 2008-0989-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 February 2, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Raymond Marlow, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Darrell Jacob, Refinery Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 849, Port Arthur, Texas 77641 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 11, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 19, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to submit an annual permit compliance certification for the period of November 22, 2006 through August 31, 2007, within 30 days after the end of the certification period. Specifically, the certification was submitted on December 12, 2007, making it 74 days late [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit No. 1267, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$7,775</p> <p>Total Deferred: \$1,555 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,110</p> <p>Total Paid to General Revenue: \$3,110</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 on December 12, 2007, the Respondent submitted an annual compliance certification to the Beaumont Regional Office which was due on September 30, 2007. Also on the same date, the Respondent developed a compliance calendar which establishes reporting periods and due dates for all compliance reports.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): JE0005H

Attachment A

Docket Number: 2008-1382-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TOTAL PETROCHEMICALS USA, INC.
Payable Penalty Amount: Six Thousand Two Hundred Twenty Dollars (\$6,220)
SEP Amount: Three Thousand One Hundred Ten Dollars (\$3,110)
Type of SEP: Pre-approved
Third-Party Recipient: Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles
Location of SEP: Jefferson County

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	25-Aug-2008	Screening	26-Aug-2008	EPA Due	23-May-2009
	PCW	22-Sep-2008				

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

CASE INFORMATION			
Enf./Case ID No.	36436	No. of Violations	1
Docket No.	2008-1382-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$2,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	236.0% Enhancement	Subtotals 2, 3, & 7	\$5,900
Notes	Penalty enhancement for seven 1660 orders, one findings order, five NOV's issued for the same or similar violations and 23 NOV's issued for unrelated violations, of which eight were self-reported effluent violations.		
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	\$625
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$10	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,000		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$7,775
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		Final Penalty Amount	\$7,775
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$7,775
DEFERRAL	20.0% Reduction	Adjustment	-\$1,555
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$6,220

Screening Date 26-Aug-2008

Docket No. 2008-1382-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 36436

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Raymond Marlow

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>)	5	25%
	Other written NOVs	23	46%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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>)	0	0%
	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) 236%

>> 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 for seven 1660 orders, one findings order, five NOVs issued for the same or similar violations and 23 NOVs issued for unrelated violations, of which eight were self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 236%

Screening Date 26-Aug-2008	Docket No. 2008-1382-AIR-E	PCW	
Respondent TOTAL PETROCHEMICALS USA, INC.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36436	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN102457520			
Media [Statute] Air			
Enf. Coordinator Raymond Marlow			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Federal Operating Permit No. 1267, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to submit an annual permit compliance certification for the period of November 22, 2006, through August 31, 2007, within 30 days after the end of the certification period. Specifically, the certification was submitted on December 12, 2007, making it 74 days late.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
OR			Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="25%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met by the Respondent."/>		
Adjustment		<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>
Violation Events			
Number of Violation Events		<input type="text" value="1"/>	Number of violation days
		<input type="text" value="74"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	
<input type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction <input type="text" value="\$825"/>
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)	
Notes	<input type="text" value="The Respondent completed all corrective actions on December 12, 2007."/>		
Violation Subtotal		<input type="text" value="\$1,875"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$10"/>	Violation Final Penalty Total	<input type="text" value="\$7,775"/>
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$7,775"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36436
Reg. Ent. Reference No. RN102457520
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				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Sep-2007	12-Dec-2007	0.20	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost of preparing and submitting an annual compliance certification in a timely manner and developing a compliance calendar which establishes the reporting periods and due dates for all compliance reports. The date required is the date the certification was required to be reported and the final date is the 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

\$10

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	TOTAL PETROCHEMICALS USA, INC.	Classification: AVERAGE	Rating: 3.02
Regulated Entity:	RN102457520	TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 10.86
ID Number(s):	WASTEWATER	PERMIT	WQ0000491000	
	WASTEWATER	PERMIT	TPDES0004201	
	WASTEWATER	PERMIT	TX0004201	
	AIR NEW SOURCE PERMITS	PERMIT	16778	
	AIR NEW SOURCE PERMITS	PERMIT	2347	
	AIR NEW SOURCE PERMITS	PERMIT	3615	
	AIR NEW SOURCE PERMITS	PERMIT	5694	
	AIR NEW SOURCE PERMITS	PERMIT	9194	
	AIR NEW SOURCE PERMITS	PERMIT	9195	
	AIR NEW SOURCE PERMITS	PERMIT	10183	
	AIR NEW SOURCE PERMITS	PERMIT	10908	
	AIR NEW SOURCE PERMITS	PERMIT	10970	
	AIR NEW SOURCE PERMITS	PERMIT	11273	
	AIR NEW SOURCE PERMITS	PERMIT	11710	
	AIR NEW SOURCE PERMITS	PERMIT	12697	
	AIR NEW SOURCE PERMITS	PERMIT	14781	
	AIR NEW SOURCE PERMITS	PERMIT	16423	
	AIR NEW SOURCE PERMITS	PERMIT	16424	
	AIR NEW SOURCE PERMITS	PERMIT	16840	
	AIR NEW SOURCE PERMITS	PERMIT	5694A	
	AIR NEW SOURCE PERMITS	PERMIT	8983A	
	AIR NEW SOURCE PERMITS	PERMIT	9195A	
	AIR NEW SOURCE PERMITS	PERMIT	9194A	
	AIR NEW SOURCE PERMITS	PERMIT	9193A	
	AIR NEW SOURCE PERMITS	PERMIT	17352	
	AIR NEW SOURCE PERMITS	PERMIT	17920	
	AIR NEW SOURCE PERMITS	PERMIT	18936	
	AIR NEW SOURCE PERMITS	PERMIT	19490	
	AIR NEW SOURCE PERMITS	PERMIT	19965	
	AIR NEW SOURCE PERMITS	PERMIT	20381	
	AIR NEW SOURCE PERMITS	PERMIT	35330	
	AIR NEW SOURCE PERMITS	PERMIT	35329	
	AIR NEW SOURCE PERMITS	PERMIT	36873	
	AIR NEW SOURCE PERMITS	PERMIT	41280	
	AIR NEW SOURCE PERMITS	PERMIT	43109	
	AIR NEW SOURCE PERMITS	PERMIT	43981	
	AIR NEW SOURCE PERMITS	PERMIT	44046	
	AIR NEW SOURCE PERMITS	PERMIT	45378	
	AIR NEW SOURCE PERMITS	PERMIT	46060	
	AIR NEW SOURCE PERMITS	PERMIT	46396	
	AIR NEW SOURCE PERMITS	PERMIT	47047	
	AIR NEW SOURCE PERMITS	PERMIT	47520	
	AIR NEW SOURCE PERMITS	PERMIT	48595	
	AIR NEW SOURCE PERMITS	PERMIT	48600	
	AIR NEW SOURCE PERMITS	PERMIT	49417	
	AIR NEW SOURCE PERMITS	PERMIT	49743	
	AIR NEW SOURCE PERMITS	PERMIT	49982	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H	
	AIR NEW SOURCE PERMITS	PERMIT	72108	
	AIR NEW SOURCE PERMITS	PERMIT	51719	
	AIR NEW SOURCE PERMITS	PERMIT	49136	
	AIR NEW SOURCE PERMITS	PERMIT	54026	
	AIR NEW SOURCE PERMITS	PERMIT	54742	
	AIR NEW SOURCE PERMITS	REGISTRATION	84487	
	AIR NEW SOURCE PERMITS	REGISTRATION	55151	
	AIR NEW SOURCE PERMITS	REGISTRATION	55631	
	AIR NEW SOURCE PERMITS	PERMIT	55916	
	AIR NEW SOURCE PERMITS	PERMIT	55684	
	AIR NEW SOURCE PERMITS	REGISTRATION	75532	
	AIR NEW SOURCE PERMITS	REGISTRATION	75523	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500037	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX688	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903	
	AIR NEW SOURCE PERMITS	PERMIT	56409	
	AIR NEW SOURCE PERMITS	PERMIT	56385	
	AIR NEW SOURCE PERMITS	REGISTRATION	56735	
	AIR NEW SOURCE PERMITS	REGISTRATION	70340	
	AIR NEW SOURCE PERMITS	REGISTRATION	71547	
	AIR NEW SOURCE PERMITS	REGISTRATION	71654	
	AIR NEW SOURCE PERMITS	REGISTRATION	71651	
	AIR NEW SOURCE PERMITS	REGISTRATION	71559	

AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	REGISTRATION	83825
AIR NEW SOURCE PERMITS	EPA ID	P762
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073M1
AIR NEW SOURCE PERMITS	REGISTRATION	84507
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR NEW SOURCE PERMITS	REGISTRATION	85036
AIR NEW SOURCE PERMITS	REGISTRATION	84944
AIR NEW SOURCE PERMITS	EPA ID	P762M2
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 25, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 25, 2003 to August 25, 2008

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

Name: Daniel Siringi Phone: (409)899-8799

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: 09/25/2003 ADMINORDER 2003-0119-AIR-E
 Classification: Moderate

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

Rqmt Prov: SC3 PERMIT
 Description: Failure to sample cooling towers for volatile organic compounds.

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
 Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT
 Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT
 Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)

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

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004

ADMINORDER 2002-1051-AIR-E

Classification: Moderate

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

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

Rqmt Prov: SC 8 PERMIT

Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 1D PERMIT

Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

Classification: Moderate

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

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

Rqmt Prov: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

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

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

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

Rqmt Prov: GC8 PERMIT

SC2 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)

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

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

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

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT

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

Effective Date: 01/08/2005

ADMINORDER 2003-1481-AIR-E

Classification: Moderate

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

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

Rqmt Prov: 20381, GC 8 & SC 1 PERMIT
PSD-TX-1005, GC 8 & SC 1 PERMIT

Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate

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

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

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT

Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

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

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

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

Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

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

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

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT

Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 334, SubChapter B 334.21(b)

Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 03/03/2005

ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on September 8-9, 2003.

Classification: Major

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

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

Rqmt Prov: PSD-TX-453M6, Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur Dioxide and Hydrogen Sulfide on September 8-9, 2003.

Classification: Moderate

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

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

Rqmt Prov: 46396, Special Condition 1 PERMIT

Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

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

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

Rqmt Prov: 46396, SC 1 PERMIT

Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx during stack testing conducted on January 15-16, 2003.

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT

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

Classification: Minor

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

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

Classification: Major

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

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

Rqmt Prov: SC 2 PERMIT

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

Effective Date: 03/21/2005

ADMINORDER 2003-1135-AIR-E

Classification: Major

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

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

Rqmt Prov: MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

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

Effective Date: 05/25/2007

ADMINORDER 2006-1095-AIR-E

Classification: Minor

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

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

Classification: Major

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

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

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

Classification: Major

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

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

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

Effective Date: 07/03/2008

ADMINORDER 2007-1580-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.

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 08/29/2003 (33657)
N/A

2 08/29/2003 (31893)
3 09/22/2003 (295017)
4 10/17/2003 (152374)
5 10/21/2003 (295019)
6 11/10/2003 (140784)
7 11/21/2003 (295020)
8 12/15/2003 (252528)
9 12/17/2003 (253859)
10 12/22/2003 (295021)
11 01/07/2004 (251647)
12 01/14/2004 (259132)
13 01/16/2004 (257106)
14 01/21/2004 (295022)
15 02/18/2004 (262253)
16 02/23/2004 (295004)
17 02/25/2004 (263664)
18 03/05/2004 (258714)
19 03/18/2004 (259900)
20 03/22/2004 (295006)
21 03/30/2004 (332764)
22 04/08/2004 (265693)
23 04/19/2004 (295007)
24 04/23/2004 (264889)
25 04/28/2004 (269294)
26 05/21/2004 (295009)
27 05/25/2004 (271847)
28 06/15/2004 (271209)
29 06/17/2004 (275130)
30 06/17/2004 (273769)
31 06/22/2004 (295011)
32 06/23/2004 (269696)
33 07/12/2004 (269851)
34 07/21/2004 (295013)
35 07/29/2004 (269691)
36 08/16/2004 (281567)
37 08/17/2004 (280413)
38 08/17/2004 (286899)
39 08/17/2004 (283908)
40 08/23/2004 (351943)
41 08/31/2004 (280247)
42 08/31/2004 (285080)
43 09/21/2004 (351944)
44 09/27/2004 (282656)
45 10/21/2004 (351945)
46 11/12/2004 (291212)
47 11/18/2004 (351946)
48 11/29/2004 (337787)
49 12/07/2004 (341531)
50 12/14/2004 (269700)
51 12/17/2004 (351947)
52 01/11/2005 (345742)
53 01/11/2005 (286852)
54 01/11/2005 (345734)
55 01/11/2005 (345047)
56 01/21/2005 (381770)
57 02/21/2005 (381768)
58 03/11/2005 (346656)
59 03/11/2005 (350459)
60 03/11/2005 (348120)
61 03/17/2005 (381769)
62 03/29/2005 (372850)

63	04/22/2005	(419600)
64	04/27/2005	(345893)
65	05/19/2005	(419601)
66	06/15/2005	(394699)
67	06/16/2005	(395449)
68	06/17/2005	(380022)
69	06/17/2005	(395181)
70	06/21/2005	(393771)
71	06/21/2005	(419602)
72	06/27/2005	(394004)
73	06/27/2005	(375095)
74	07/08/2005	(380986)
75	07/12/2005	(379108)
76	07/13/2005	(395545)
77	07/18/2005	(398333)
78	07/18/2005	(396246)
79	07/21/2005	(440742)
80	08/08/2005	(400586)
81	08/08/2005	(400578)
82	08/08/2005	(395607)
83	08/10/2005	(398204)
84	08/14/2005	(402622)
85	08/14/2005	(400928)
86	08/15/2005	(404442)
87	08/15/2005	(399684)
88	08/15/2005	(403311)
89	08/15/2005	(371587)
90	08/19/2005	(440743)
91	08/31/2005	(340674)
92	08/31/2005	(402164)
93	09/19/2005	(440744)
94	10/21/2005	(468272)
95	11/04/2005	(431104)
96	11/04/2005	(436336)
97	11/04/2005	(435646)
98	11/15/2005	(405196)
99	11/15/2005	(436413)
100	11/15/2005	(435255)
101	11/15/2005	(436155)
102	11/15/2005	(434630)
103	11/18/2005	(435866)
104	11/18/2005	(435774)
105	11/18/2005	(435804)
106	11/18/2005	(435798)
107	11/21/2005	(468273)
108	12/07/2005	(435751)
109	12/12/2005	(404612)
110	12/15/2005	(468274)
111	01/18/2006	(449944)
112	01/19/2006	(440180)
113	01/19/2006	(439503)
114	01/23/2006	(468275)
115	01/24/2006	(452104)
116	02/06/2006	(437341)
117	02/07/2006	(453479)
118	02/07/2006	(450128)
119	02/13/2006	(450178)
120	02/13/2006	(450341)
121	02/15/2006	(454193)
122	02/21/2006	(468270)
123	02/24/2006	(452413)
124	02/24/2006	(450992)
125	03/21/2006	(468271)
126	04/10/2006	(454251)
127	04/18/2006	(455136)
128	04/21/2006	(498089)
129	04/28/2006	(462859)
130	05/11/2006	(461924)
131	05/11/2006	(463343)
132	05/11/2006	(465492)
133	05/11/2006	(465525)
134	05/11/2006	(464460)
135	05/11/2006	(464168)
136	05/11/2006	(464473)
137	05/11/2006	(464467)
138	05/11/2006	(465518)
139	05/11/2006	(465489)
140	05/12/2006	(463148)
141	05/12/2006	(451451)

142	05/12/2006	(454148)
143	05/12/2006	(454494)
144	05/22/2006	(498090)
145	05/22/2006	(464542)
146	05/30/2006	(461199)
147	06/14/2006	(480809)
148	06/22/2006	(498091)
149	06/28/2006	(465850)
150	07/21/2006	(520109)
151	07/25/2006	(482058)
152	07/27/2006	(485194)
153	08/23/2006	(520110)
154	08/31/2006	(460545)
155	09/19/2006	(520111)
156	09/22/2006	(510639)
157	10/20/2006	(544367)
158	11/15/2006	(517804)
159	11/22/2006	(544368)
160	12/21/2006	(544369)
161	12/28/2006	(335708)
162	12/29/2006	(431565)
163	01/12/2007	(531450)
164	01/18/2007	(532164)
165	01/23/2007	(544370)
166	01/29/2007	(531801)
167	02/01/2007	(538715)
168	02/01/2007	(537518)
169	02/02/2007	(497612)
170	02/05/2007	(466788)
171	02/14/2007	(539270)
172	02/14/2007	(540328)
173	02/21/2007	(575101)
174	02/23/2007	(540617)
175	03/19/2007	(538927)
176	03/20/2007	(575102)
177	04/09/2007	(542889)
178	04/21/2007	(540306)
179	04/26/2007	(575103)
180	05/02/2007	(557540)
181	05/16/2007	(573950)
182	05/16/2007	(652271)
183	05/17/2007	(554816)
184	05/18/2007	(554787)
185	05/18/2007	(575104)
186	05/21/2007	(558572)
187	06/20/2007	(575105)
188	06/28/2007	(558540)
189	07/10/2007	(565190)
190	07/11/2007	(560069)
191	07/11/2007	(542342)
192	07/20/2007	(575106)
193	07/23/2007	(567241)
194	08/06/2007	(567736)
195	08/10/2007	(652719)
196	08/10/2007	(574318)
197	08/14/2007	(543994)
198	08/20/2007	(601546)
199	08/30/2007	(564577)
200	09/17/2007	(601547)
201	09/20/2007	(593858)
202	09/26/2007	(573894)
203	10/23/2007	(619450)
204	10/23/2007	(619453)
205	10/26/2007	(596024)
206	11/08/2007	(594034)
207	11/15/2007	(653101)
208	11/16/2007	(595084)
209	11/20/2007	(619451)
210	11/27/2007	(594170)
211	11/27/2007	(598818)
212	12/10/2007	(610704)
213	12/21/2007	(594470)
214	12/21/2007	(619452)
215	01/16/2008	(612034)
216	01/31/2008	(613691)
217	02/01/2008	(614929)
218	02/06/2008	(615511)
219	02/07/2008	(616836)
220	02/08/2008	(652166)

221 02/14/2008 (679796)
 222 02/18/2008 (671960)
 223 03/03/2008 (616883)
 224 03/03/2008 (617277)
 225 03/03/2008 (613917)
 226 03/03/2008 (616879)
 227 03/03/2008 (616707)
 228 03/10/2008 (614708)
 229 03/14/2008 (637140)
 230 03/18/2008 (671961)
 231 04/03/2008 (619010)
 232 04/03/2008 (618981)
 233 04/07/2008 (638446)
 234 04/07/2008 (640577)
 235 04/09/2008 (636187)
 236 04/09/2008 (637830)
 237 04/17/2008 (671962)
 238 04/24/2008 (641834)
 239 05/08/2008 (646149)
 240 05/09/2008 (654397)
 241 05/13/2008 (689880)
 242 05/14/2008 (646173)
 243 05/14/2008 (646292)
 244 05/14/2008 (646249)
 245 05/23/2008 (640976)
 246 05/28/2008 (679929)
 247 06/03/2008 (680279)
 248 06/03/2008 (641229)
 249 06/13/2008 (653949)
 250 06/16/2008 (689881)
 251 06/18/2008 (654558)
 252 06/23/2008 (433051)
 253 07/08/2008 (683932)
 254 07/09/2008 (689882)
 255 07/09/2008 (683891)
 256 07/18/2008 (680236)
 257 07/20/2008 (686130)
 258 07/22/2008 (686798)
 259 08/01/2008 (683847)
 260 08/02/2008 (686525)
 261 08/08/2008 (689242)
 262 08/19/2008 (689537)

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

Date	03/30/2004	(332764)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	03/31/2004	(295007)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/26/2004	(264889)		
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to be positioned between DD7 North Lateral 1A monitoring well OWB #2.			

Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000		
Description:	The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated.		
Date	03/29/2005 (372850)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure to have a monitoring plan.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to maintain vent on ground storage tank.		
Date	11/30/2005 (468274)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2006 (468270)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/10/2006 (454251)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4)		
Rqmt Prov:	PERMIT PC, 2g		
Description:	Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.		
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT OpR, No. 1		
Description:	Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.		
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT Opr, No. 1		
Description:	Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.		
Date	05/31/2006 (461199)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
Description:	The facility failed to update the notice of registration		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)		
Description:	Failure to list job titles and job descriptions for each employee handling hazardous waste.		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)		
Description:	Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.		
Date	06/30/2006 (520109)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2006 (544370)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2007 (575103)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/16/2007 (573950)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THC Chapter 341, SubChapter A 341.0315(c)		
Description:	Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.		
Date	05/16/2007 (652271)		

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	TOTAL TRIHALOMETHANES		
Date	08/10/2007 (652719)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	TOTAL TRIHALOMETHANES		
Date	08/10/2007 (574318)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	5A THC Chapter 341, SubChapter A 341.0315(c)		
Description:	Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.		
Date	08/30/2007 (571169)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3)		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 18936 and PSD-TX-762M2, SC 7		
	OP O-01267, General Terms and Conditions		
	OP O-01267, SC 27		
Description:	Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack. MOD (2)(D) EIC B18		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
	30 TAC Chapter 101, SubChapter A 101.20(3)		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 18936 and PSD-TX-762M2, SC 1A		
	PERMIT 18936 and PSD-TX-762M2, SC 8		
	OP O-01267, General Terms and Conditions		
	OP O-01267, SC 27		
Description:	Failure to maintain the 50 ppmv limit for Sulfur dioxide (SO2) on FCCU Regenerator Stack. MOD (2)(D) EIC B18		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3)		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 18936 and PSD-TX-762M2, SC 8		
	OP O-01267, General Terms and Conditions		
	OP O-01267, SC 27		
Description:	Failure to maintain the venturi pressure at its-minimum rate. MOD (2)(G) EIC B19g.(1)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 46396, SC 4		
	OP O-01267, General Terms and Conditions		
	OP O-01267, SC 27		
Description:	Failure to maintain the minimum temperatures required while loading products at the dock flares. MOD (2)(G) EIC B19g.(1)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 43109, SC 3A and B		
	OP O-01267, General Terms and Conditions		
	OP O-01267, SC 27		
Description:	Failure to maintain the permitted NOx and CO limits for Package Boilers H-300 and H-350. MOD (2)(D) EIC B18		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 56385, SC 3		
	OP O-01267, General Terms and Conditions		
	OP O-01267, SC 27		
Description:	Failure to monitor and record daily the food-to-microorganisms (F/M) ratio, the mixed liquid suspended solids (MLSS) ratio, and a residence time. MOD (2)(A) EIC B1		
Self Report?	NO	Classification	Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 17352, SC 4C OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G) EIC B14		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267 SC 15A OP O-01267, General Terms and Conditions OP O-01267, SC 1A		
Description:	Failure to conduct annual no-detectable emissions monitoring and quarterly visual inspections for containers managing benzene wastes. MOD (2)(A) EIC B1		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 56385, SC 12L OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to conduct quarterly visual inspections on unburied sewer lines. MOD (2)(A) EIC B1		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267, General Terms and Conditions OP O-01267, SC 1A OP O-01267, SC 27		
Description:	Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service. MIN (3)(D) EIC C10		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 54026, SC 5D PERMIT 54026, SC 6 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to install analyzers on three flares, North, South, and Middle Flares, Unit Ids 41NORTHFLR, 53SOUTHFLR, and 41MIDFLRAE. MOD (2)(A) EIC B1		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267, General Terms and Conditions OP O-01267, SC 1D		
Description:	Failure to submit a revision application to codify the requirements in the permit of 40 CFR Part 63, Subpart UUU and 30 TAC 113.780 by April 11, 2005, in FOP O-01267. Min (3)(C), EIC C3		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 5694A, GC 8 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 5694A, GC 8 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14		
Self Report?	NO	Classification	Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 8983A, SC 1 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 56385, SC 3 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. MOD (2)(G) EIC B19g.(1)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 9195A and PSD-TX-453M6, SC 5 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain minimum flame temperatures for four consecutive calendar quarters. MOD (2)(G) EIC B19g.(1)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267, General Terms and Conditions		
Description:	Failure to submit a SDR no later than 30 days after the end of the November 21, 2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267, General Terms and Conditions		
Description:	Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B) EIC B3		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267, General Terms and Conditions		
Description:	Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 18936 and PSD-TX-762M2, GC 8 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain allowable emissions rates. MOD (2)(D) EIC B18		
Date	11/15/2007 (653101)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	TOTAL TRIHALOMETHANES		
Date	11/27/2007 (608889)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 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 A 382.085(b)		
Rqmt Prov:	PERMIT 20381, PSD-TX-1005, N-004, SC 7E OP O-02222, General Terms and Conditions OP O-02222, Special Condition 14		

	OP O-02222, Special Condition 1A		
Description:	Failure to seal several open-ended lines with a cap, plug, or blind flange. MIN(3)C), EIC 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 A 382.085(b)		
Rqmt Prov:	PERMIT 20381, PSD-TX-1005, N-044, SC 12 OP O-02222, General Terms and Conditions OP O-02222, Special Condition 14		
Description:	Failure to maintain emission rates below the allowable emission limits. MOD (2)(D), EIC B18		
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) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)		
Rqmt Prov:	PERMIT 20381, PSD-TX-1005, N-044, SC 21 OP O-02222, General Terms and Conditions OP O-02222, Special Condition 14 OP O-02222, Special Condition 1A		
Description:	Failure to submit a report within the required timeframes. MOD (3)C), EIC C3		
Date	02/06/2008	(616836)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)		
Description:	Failure to protect chlorination equipment and chlorine cylinders from adverse weather conditions.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to have wires in conduit (exposed wires in the electrical panel).		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)		
Description:	Failure to use NSF 60 nitrogen.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)		
Description:	Failure to maintain an adequate chlorine residual.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(2)		
Description:	Failure to have a pressure gauge on the pressure tank.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure to have an appropriate overflow flap on the ground storage tank.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(I)(II)		
Description:	Failure to record the amount of chemicals used each week.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(b)(5)		
Description:	Failure to repair leak on the valves near the ground storage tank.		
Date	02/08/2008	(652166)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		
Description:	TOTAL TRIHALOMETHANES		
Date	02/14/2008	(679796)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date	03/05/2008	(614708)	
Self Report?	NO	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1)		
Description:	Failure to prevent the release of 35 barrels of FAS150 Petroleum Distillate on January 15, 2008 from Storage Tank 317.		
Date	03/14/2008	(614391)	
Self Report?	NO	Classification	Minor
Citation:	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 18936 and PSD-TX-762M3 OP O-01267, Special Condition 27		
Description:	Failure to submit a stack test report within the required timeframe (60 days after sampling was completed). C3 Minor		
Date	03/31/2008	(671962)	
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 05/28/2008 (679929)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by Total Petrochemical to properly maintain units of conveyance by failing to prevent heavy siltation and debris/trash accumulation in Stormwater Control Structure A.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by Total Petrochemicals to properly maintain Stormwater Control Structure E, by failing to maintain the underflow weir and unit sidewalls.

Self Report? NO Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)
 Rqmt Prov: PERMIT PC 2g
 Description: Failure by Total Petrochemicals to prevent unauthorized discharge from the facility.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT EL&MR 1, p2c
 Description: Failure by Total Petrochemicals to comply with permitted effluent limitations for Total Organic Carbon samples collected from Outfall 004 on 03/09/2008, and 03/10/2008.

Date: 05/31/2008 (689881)
 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: 06/06/2008 (641229)
 Self Report? NO Classification: Minor
 Citation: 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 2347, Special Condition 10E
 OP O-01267, Special Condition 27
 Description: Failure to submit stack test report within applicable deadline (60 days after sampling was completed).
 Date: 08/19/2008 (689537)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP General Terms and Conditions
 Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOTAL PETROCHEMICALS USA,
INC.
RN102457520**

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

AGREED ORDER DOCKET NO. 2008-1382-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical facility at 7600 32nd Street 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 August 24, 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 Seven Thousand Seven Hundred Seventy-Five Dollars (\$7,775) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred Ten Dollars (\$3,110) of the administrative penalty and One Thousand Five Hundred Fifty-Five Dollars (\$1,555) 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. Three Thousand One Hundred Ten Dollars (\$3,110) shall be

conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on December 12, 2007, the Respondent submitted an annual compliance certification to the Beaumont Regional Office which was due on September 30, 2007. Also on the same date, the Respondent developed a compliance calendar which establishes reporting periods and due dates for all compliance reports.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to submit an annual permit compliance certification for the period of November 22, 2006 through August 31, 2007, within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit No. 1267, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 11, 2008. Specifically, the certification was submitted on December 12, 2007, making it 74 days late.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2008-1382-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section 1, Paragraph 6 above, Three Thousand One Hundred Ten Dollars (\$3,110) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
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

Jade Smith
For the Executive Director

Date 1/30/2009

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.

Darrell Jacobs
Signature

17 November 2008
Date

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

Refinery Manager
Title

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

Attachment A
Docket Number: 2008-1382-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TOTAL PETROCHEMICALS USA, INC.
Payable Penalty Amount: Six Thousand Two Hundred Twenty Dollars (\$6,220)
SEP Amount: Three Thousand One Hundred Ten Dollars (\$3,110)
Type of SEP: Pre-approved
Third-Party Recipient: Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles
Location of SEP: Jefferson County

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

